Volume 97 of 111

(Accused Copy)

VERBATIM [1]

RECORD OF TRIAL [2]

(and accompanying papers)

of

MANNING, Bradley E.	[redacted]	PFC/E-3
(Name: Last, First, Middle Initial)	*(Social Security Number)*	*(Rank)*
Headquarters and Headquarters Company, United States Army Garrison	U.S. Army	Fort Myer, VA 22211
(Unit/Command Name)	*(Branch of Service)*	*(Station or Ship)*

By

GENERAL COURT-MARTIAL

Convened by Commander
(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON
(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD *(Place or Places of Trial)* on *see below* *(Date or Dates of Trial)*

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

1 *Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)*

2 *See inside back cover for instructions as to preparation and arrangement.*

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, March 22, 2012 9:02 AM
To: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: FW: failure notice

Chief,

Let me know if you need more examples.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Thursday, March 22, 2012 9:11 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: email test (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

yes

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Thursday, March 22, 2012 9:16 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: email test (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir. Yes Sir.

V/R
Paul

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 22, 2012 11:59 AM
To: 'David Coombs'
Cc: Matthew kemkes; Bouchard, Paul R CPT USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: OCA Contact Info

David,

As for the defense's request to speak with the Ambassador Kennedy and the OCA for Specification 3 and 15 of Charge II, please follow the below procedures. I spoke with each entity and below is the information they relayed.

Ambassador Kennedy. Reference 22 CFR Part 172. Submit a request IAW Part 172, but ensure you look over the entire section, it is very short. The POC and address is listed in the regulation, and so are the factors they consider. The request should be addressed to "To Whom it may Concern" and please place the following three individuals in the CC line of the letter: (1) Mr. John Blanck; (2) Mr. Jason Mehta; (3) Major Ashden Fein, US Army. Once you mail the request, to the address provided, please provide me a scanned copy. The prosecution will forward the digital copies to each individual in CC line and then the prosecution will track its progress at the Department. If there are any issues, then we will be the conduit between State and the defense. It is my understanding that the key is to ensure the request is properly routed is to comply with the administrative procedures under Part 172.

The OCA for Specification 3 and 15 of Charge II. Please refer to their Touhy regulations, which I found through Google or I can provide you via a phone conversation. Although they prefer the request to be classified, they understand that you will likely submit an unclassified document. If unclassified, ensure that you vaguely refer to any specific facts that are attributable to this OCA's employer. Unless you make this a classified request, do not use the Organization's name, any employee's name, references to the CFR that are attributable to the Organization, or direct references to any task force or assessment that does or does not exist. You may reference a task force or assessment (if they exist) with a disclaimer, such as "The defense submits this request to show the OCA for Specification 3 and 15 of Charge II will discuss... which is related to any assessment which may have been completed." This request should be addressed to "Brian G., Office of the General Counsel." Once you complete the request, please send the request to me (unclassified scan is fine) and the prosecution will submit the request on your behalf directly to the Organization via secure email. The prosecution will track its progress at the Organization. If there are any issues, then we will be the conduit between the Organization and the defense.

Please let me know if you have any questions. Also, we have reviewed our records and you should have the contact information for all the remaining OCAs or other senior officials you have asked for in the past. If not, then please send me a list so that we may continue to assist.

Thank you!

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 22, 2012 2:16 PM
To: David Coombs
Cc: Matthew kemkes; Bouchard, Paul R CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; ashden.fein@us.army.mil
Subject: RE: Court Order to Security Officer and Detailed Security Experts (UNCLASSIFIED)
Attachments: 120320-Order to CSO and Security Experts.docx

David,

Attached is the updated order. Please take a look and let us know. Thanks!

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [Ashden.Fein@jfhqncr.northcom.mil]
Sent: Thursday, March 22, 2012 2:16 PM
To: David Coombs
Cc: Matthew kemkes; Bouchard, Paul R CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; ashden.fein@us.army.mil
Subject: RE: Court Order to Security Officer and Detailed Security Experts (UNCLASSIFIED)
Attachments: 120320-Order to CSO and Security Experts.docx

David,

Attached is the updated order. Please take a look and let us know. Thanks!

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, March 22, 2012 2:42 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; ashden.fein@us.army.mil
Subject: RE: Court Order to Security Officer and Detailed Security Experts (UNCLASSIFIED)

Ashden,

I don't see any issues with the order.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Thursday, March 22, 2012 2:42 PM
To: 'Fein, Ashden CPT USA JFHQ-NCR/MDW SJA'
Cc: 'Matthew kemkes'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; 'Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA'; 'Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA'; 'Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA'; ashden.fein@us.army.mil
Subject: RE: Court Order to Security Officer and Detailed Security Experts (UNCLASSIFIED)

Ashden,

I don't see any issues with the order.

Best,
David

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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

From: coombs@armycourtmartialdefense.com
Sent: Thursday, March 22, 2012 4:53 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Re: Discovery (UNCLASSIFIED)

Ashden,

Please forward my response email re: Brady to COL Lind. Thanks.

Best,
David
Sent from my Verizon Wireless BlackBerry

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 23, 2012 11:25 AM
To: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; ashden.fein@us.army.mil
Subject: FW: Delivery Status Notification (Failure)
Attach: details.txt; RE_ Discovery, etc..msg

C <<...>> hief.

Just received seven separate failure notices. Please provide me with an update on this issue when you can. Thanks.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 23, 2012 11:25 AM
To: jairo.parra@jfhqncr.northcom.mil
Cc: Ashden.Fein@jfhqncr.northcom.mil; ashden.fein@us.army.mil
Subject: FW: Delivery Status Notification (Failure)
Attach: details.txt; RE_ Discovery, etc. (4.39 KB).msg

C <<...>> hief.

Just received seven separate failure notices. Please provide me with an update on this issue when you can. Thanks.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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coombs@armycourtmartialdefense.com
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 23, 2012 11:27 AM
To: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; ashden.fein@us.army.mil
Subject: FW: Delivery Status Notification (Failure)
Attach: details.txt; Compel Discovery.msg

C <<...>> hief,

Another example. Clearly indicating that it is the Army's server that is the issue.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 23, 2012 11:27 AM
To: jairo.parra@jfhqncr.northcom.mil
Cc: Ashden.Fein@jfhqncr.northcom.mil; ashden.fein@us.army.mil
Subject: FW: Delivery Status Notification (Failure)
Attach: details.txt; Compel Discovery (27.5 KB).msg

C <<...>> hief,

Another example. Clearly indicating that it is the Army's server that is the issue

Best,
David

David E. Coombs, Esq
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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Fax: (508) 689-9282
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From: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Sent: Friday, March 23, 2012 12:13 PM
To: David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Delivery Status Notification (Failure) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

David,

Please follow these instructions. They are still trying to work this out at the highest levels and urgency within DISA.

Message sent by Mr. Isbell Director, Fort Meade, NEC:

"Please have Mr Coombs try and send an email to me as a test. Have him put Example 1 in the subject and in the body of the message. If it gets bounced, please have him forward the response to you and then you can forward it to me. The CTNOSC needs a current bounce to verify. Have him send the email to Terry.J.Isbell.Civ@Mail.Mil"

v/r,

JP

Jairo A. Parra
WO1, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 23, 2012 12:16 PM
To: Terry.J.Isbell.Civ@Mail.Mil
Cc: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Example 1

Example 1

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Friday, March 23, 2012 5:33 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Automatic reply: Defense's Release of Court Filings

I am TDY from Dec. 2-5. I can be reached at bouchardp@yahoo.com or 915-603-7651. For immediate assistance please contact Ms. Jones at 301-677-9218.

V/R
CPT Paul Bouchard
Defense Counsel

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 23, 2012 6:14 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; melissa.s.santiago@us.army.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; ashden.fein@us.army.mil
Subject: SIPRNET access update

Ashden,

Please provide an update on your attempts to secure SIPRNET access for me near my office. Thanks.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Friday, March 23, 2012 6:14 PM
To: 'Fein, Ashden CPT USA JFHQ-NCR/MDW SJA'
Cc: 'Matthew kemkes'; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; melissa.s.santiago@us.army.mil; 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; 'Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA'; 'Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA'; 'Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA'; ashden.fein@us.army.mil
Subject: SIPRNET access update

Ashden,

Please provide an update on your attempts to secure SIPRNET access for me near my office. Thanks.

Best,
David

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Law Office of David E. Coombs
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 8:25 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Paul Bouchard' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; 'Melissa Santiago' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: 802

Ashden,

What time do you want to do the 802 with COL Lind. I am available anytime on Tuesday or Wednesday.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 8:28 AM
To: David Coombs
Cc: Matthew kemkes; 'Paul Bouchard'; 'Joshua Tooman'; 'Melissa Santiago'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: 802

David,

Just catching up on emails. How is Wednesday at 1300? We will setup a bridge to last for 2 hours.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 8:31 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Paul Bouchard' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; 'Melissa Santiago' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: 802

Ashden,

That works for me.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 9:55 AM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Touhy Request

David,

Did you already send this request to the mailing address? If not, please let me know when it's in the mail, so that I can then forward the digital copy.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 9:57 AM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Touhy Request

Perfect. Thank you.

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 9:56 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Touhy Request

Ashden,

Sent by Fed Ex on Friday.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 10:24 AM
To: 'Ganiel, Charles J CIV (US)'; Hall Cassius Mr FMMC (FTMYER); Boardman, Gerald W Mr CIV USA DCS G-2; 'Prather, Jay R CIV (US)'
Cc: David Coombs; Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Court Order)
Attachments: 120322-Order (CSO and Security Experts).pdf

Importance: High

Gentlemen:

As designated security experts, please read the attached Court order and send me confirmation that you have received and read. Thank you!

v/r
MAJ Fein

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 10:29 AM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Movement

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

David,

The prosecution was just notified that your client will be moving back to the JRCF on Wednesday. Please let us know what day and time you would like him back before the next motions hearing.

As always, the government will fund any military defense counsel and/or experts to travel to LVN-CAC, if needed. They just need to complete DTS.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>

Sent: Monday, March 26, 2012 10:40 AM

To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Ganiel, Charles J CIV (US)' <charles.j.ganiel.civ@mail.mil>; Hall Cassius Mr FMMC (FTMYER) <hallcas_ftmyer@organization.com>; 'Boardman, Gerald W Mr CIV USA DCS G-2' <Gerald.Wayne.Boardman@us.army.mil>; 'Prather, Jay R CIV (US)' <jay.r.prather@us.army.mil>

Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>

Subject: RE: US v. PFC BM (Court Order)

Attach: Ganiel Protective Order Mar 2012.pdf; Bouchard Protective Order Mar 2012.pdf; Hall Protective Order Mar 2012.pdf; Smith Protective Order Mar 2012.pdf; Tooman Protective Order Mar 2012.pdf

---

Ashden,

Here are the signed protective orders for most of the defense team. I will send you the remaining orders once I receive them.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 10:42 AM
To: David Coombs; 'Ganiel, Charles J CIV (US)'; Hall Cassius Mr FMMC (FTMYER); 'Boardman, Gerald W Mr CIV USA DCS G-2'; 'Prather, Jay R CIV (US)'
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: US v. PFC BM (Court Order)

Thank you.

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 10:43 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Read: US v. PFC BM (Court Order)
Attach: Read_ US v. PFC BM (Court Order).txt

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 11:01 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Movement

Ashden,

Thank you for the heads up regarding this movement. I would like to see PFC BM at the TDS offices at 1300 on 23 April. Please have him returned on the latest date available in order to accommodate this request.

Best,
David

David E. Coombs, Esq.
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 3:14 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Read: Forensic Review
Attach: Read_ Forensic Review.txt

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 3:57 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: DGCS-A Approved Programs

Ashden,

I know that I have several CONs for the DCGS-A. However, I don't believe that I have a list of all approved programs for the DCGS-A. If so, please provide with me with the Bates # for this document. If several different documents comprise the total list of authorized programs, please provide me with the Bates # for each document. Thank you.

Best,
David

David E. Coombs, Esq.
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From: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Sent: Monday, March 26, 2012 4:28 PM
To: David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Example 1 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

I spoke with Terry today and he explained to me the issues outlined in his e-mail below. According to his e-mail and explanation, we may not have the perfect solution but an effective workaround. The bottom line is that when e-mailing someone in the @.mail.mil domain in conjunction with the @jfhqncr.norrthcom.mil domain you MUST have the @.mail.mil e-mail address in the "TO" line and the @jfhqncr.norrthcom.mil in the "CC" line. My understanding of the issue (I'm not all that smart in computers) is that this is due do with DNS server not relaying information properly. If you have any further questions please feel free to contact me or Mr. Isbell and we will continue to work this issue. I will continue to update you on the status of the issue as they (Northcom and DISA) will continue to work until this issue is completely resolve without having to work around it. My suggestion, although not required, is that you send an e-mail with the instructions and guidance provided in this e-mail to ensure that they in fact work. Thanks!

v/r,

JP

Jairo A. Parra
WO1, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 5:51 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Read: Personal Security
Attach: Read_ Personal Security.txt

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, March 26, 2012 6:10 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Read: Personal Security
Attach: Read_ Personal Security.txt

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 9:51 AM
To: David Coombs
Cc: Matthew kemkes; Bouchard, Paul R CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update
Attachments: 120103-Excludable Delay Memorandum.pdf

Document attached.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 9:50 AM
To: David Coombs
Cc: Matthew kemkes; Bouchard, Paul R CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Update

David,

This email serves as an update / answer to many questions you have asked over the past two weeks.

1. Government Emails. The prosecution has been able to recover emails from last fall that were blocked either because of the term "WL" or for other reasons. We have also been in close contact with any Government agency that might have information that could be considered Brady and it is clear that any material would have been highlighted when sent to us. When we search records, we never assume we received information over email.

2. LIOs. We intend to give you our position after the next round of motion, but generally we are intending to ask for instructions for LIOs.

3. Excludable Delays. The last accounting we have for excludable delays is attached (dated 3 Jan 12). The only other excludable time that we are tracking after 15 December 2011, is what the Article 32 IO excluded and included in his IO Exhibits.

4. Government Facility. We are working with DIILS and the NWC to determine the best location for you to work. Both have positive and negatives, and once we get the approvals, then we intend to present both to you for your selection. However, this is prefaced on us receiving approval from the organizations for you to have workspace at each location and an individual assigned to be your conduit for SIPRNET. We are concurrently working with both organizations and hope to have an answer before the end of the week. While this coordination is occurring, we are preparing another complete batch of classified discovery and acquiring the IT equipment and other resources to send up to the final destination.

5. Client Meeting. We will coordinate to have PFC BM brought to the TDS offices at Fort Meade at 1300 on 23 April and will work to have him brought back on the latest date available.

6. DCGS-A Authorized Software. The software list for the programs authorized on DCGS-A starts at BATES 00412500. The attestation certificate should be included.

7. Data Set Classification. We are still working with relevant OCAs to confirm the classification of different datasets, pursuant to our discussions with the MJ in chambers and your email focused on the press release.

8. Re-Production of Discovery. As per your request before the previous motions hearing, we are working to re-produce all the unclassified (and classified listed above) for you and the defense.

9. CCIU Interim Forensic Reports. We are finalizing our production of these documents. The number has decreased based on the hash value comparison. I asked SGT Waybright to write a MFR explaining his process so that you can see how he whittled down the unique documents.

10. OCA Contact Information. The prosecution received your DOS request and forwarded the request to both gentlemen in the CC line. Once DOS receives your request, I am supposed to be notified and will relay the information back. As I receive updates, I will pass them along to you. Do you still intend to submit the other request to the OCA for Specifications 3 and 15 of Charge II? After reviewing our previous emails and documents, it appears you have the contact information for all the other OCAs, are there any other OCAs that you do not have contact information for?

Please let me know if there is anything else?

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 10:40 AM
To: David Coombs; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: Example 1 (UNCLASSIFIED)

David,

We are still working on fixing the issue.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, March 27, 2012 10:40 AM
To: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Example 1 (UNCLASSIFIED)

Chief,

Thank you. I will incorporate the workaround.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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Sent: Tuesday, March 27, 2012 10:42 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Update

Ashden,

Thank you for the update. You must have read my mind, because I was just about to send you another email on many of these issues.

1) OCA Contact: I do have contact information for each of the civilian OCAs. I intend to submit a Touhy request for the OCA for Spec 3 and 15 of Charge II. However, I still need the best way forward to contact the DoD OCAs. Although I have email addresses for each, I imagine that they would likely want me to coordinate with an aide before reaching out directly to them. Please advise on that issue.

2) LIOs: Generally, what LIOs do you see? I realized that this may be wishful thinking, but perhaps we can present a joint request for instructions for the charged offenses and the identified LIOs - or as joint as we can possibly accomplish?

3) Government Facility: Either will be fine with me.

4) DCGS-A: This document is from 2009. Is this the latest and only document detailing the approved software on the DCGS-A?

5) Personal Security: Have you been able to discuss my intended post with the PMO?

Best,
David

David E. Coombs, Esq.
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, March 27, 2012 10:47 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: Protective Orders
Attach: Armistead Protective Order Mar 2012r.pdf; Lakes Protective Order Mar 2012.jpg

---

Ashden,

Here are two more signed protective orders.

Best,
David

David E. Coombs, Esq.
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Sent: Tuesday, March 27, 2012 10:56 AM
To: 'David Coombs'
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

Thank you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 11:12 AM
To: 'David Coombs'
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

David,

Answers / updates are below:

1) OCA Contact: We will reach out to the different OCAs to determine if they want you to go direct through email addresses or through POCs. We have assumed that you are/will contact them through their email addresses.

2) LIOs: We will have to get back to you on this. I hope we can find joint resolution on as many as possible!

3) Government Facility: I expect to have a proposed solution this afternoon.

4) DCGS-A: To best of our knowledge, this document is the only one at issue. It was in effect at the time PFC BM was in theater and had access to the machines. We did not obtain any others based on the charged misconduct. The other documents previously produced were not the actual software lists for DCGS-A but rather the CON for the DCGS-A itself.

5) Personal Security: The command has no security issues with your proposed line- "PFC Manning will be held at the JRCF at Fort Leavenworth, Kansas until the next Article 39(a) session." Additionally, we recommend that all mail still go to the Company and the command will ensure it is routed to the appropriate facility, then any family/supporters/etc. will have clarity and predictability on the mailing address. When you put out information, could you please emphasize that all mail still be sent to the previously provided address and the command will ensure its delivery to PFC BM.

Thank you.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, March 27, 2012 4:11 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: DOJ Discovery

Ashden,

I was hoping that you could clarify something for me - have you provided the discovery you said you would provide at p. 7 of your Response to Defense Motion to Compel Discovery regarding the Department of Justice investigation? I don't recall receiving this, but just wanted to be sure I hadn't missed it.

If you have not yet provided it, then:

1. When will you provide it?
2. What will you provide and not provide?
3. What legal standard are you using to determine (2)?

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 6:52 PM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: DOJ Discovery

David,

We have provided the defense all the material we have from DOJ (warrants and 18 USC 2703 material), and any remaining information is part of the FBI file. On 16 Mar 12 and after the Court ordered protective order was in place, we provided the defense the majority of the material which is classified from the FBI investigative file. This information includes material that is subject to warrants and 18 USC 2703(d) orders. We will continue to provide additional material as we receive approvals.

Based on the military judge's ruling and the FBI file being outside of military authorities, the United States will produce all information that is discoverable under RCM 701(a)(6), unless we assert the privilege and then we will provide the privileged information to the military judge for an in camera review.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, March 27, 2012 6:58 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: DOJ Discovery

Ashden,

I am specifically referring to the Grand Jury materials. Does the Government intend to provide this material. If so, when will you provide this material? If you intend to only provide a portion, what portion will you provide and not provide? Finally, what legal standard will you use to decide which Grand Jury materials to provide?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, March 27, 2012 7:17 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; 'Prather, Jay R CIV (US)' <jay.r.prather.civ@mail.mil>
Subject: RE: Protective Orders 2 of 3

Ashden,

I only received 2 of 3. The email arrived an hour after you originally sent it.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 7:20 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Prather, Jay R CIV (US)'
Subject: FW: Protective Orders 3 of 3
Attachments: 10GJ3793-11EC1.pdf; 10GJ3793-11EC3.pdf; 10GJ3793-11EC9.pdf; 10GJ3793-RNK.pdf

3a

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 7:20 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Prather, Jay R CIV (US)'
Subject: FW: Protective Orders 1 of 3
Attachments: 110622-SPCMCA Protective Order for LES Information (Coombs).pdf; 100917-SPCMCA Protective Order for Classified Information.pdf; 100917-SPCMCA Protective Order for Classified Information (Coombs).pdf; 100728-GCMCA Protective Order.pdf

1b

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 7:19 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Prather, Jay R CIV (US)'
Subject: FW: Protective Orders 1 of 3
Attachments: 110622-SPCMCA Protective Order for SecArmy 15-6.pdf; 110622-SPCMCA Protective Order for SecArmy 15-6 (Coombs).pdf; 110622-SPCMCA Protective Order for LES Information.pdf

1a

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 7:20 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Prather, Jay R CIV (US)'
Subject: FW: Protective Orders 3 of 3
Attachments: 10-330-M-01-Order to Seal.pdf; 10GJ3793.pdf

3b

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 7:23 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Prather, Jay R CIV (US)'
Subject: RE: Protective Orders 3 of 3

Your welcome.

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, March 27, 2012 7:23 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; 'Prather, Jay R CIV (US)' <jay.r.prather.civ@mail.mil>
Subject: RE: Protective Orders 3 of 3

Ashden,

I have received all three. Thanks.

David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, March 27, 2012 7:27 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Prather, Jay R CIV (US)'
Subject: Government Facility in RI

David,

We have been in coordination with DIILS and the NWC to determine the best location for the defense team to have a work area for "classified information." Both locations are willing to support the defense team with their requirements; however, both locations are not equally equipped at the present time.

Based on the prosecution providing the defense the needed IT equipment (computer & printer) and possibly providing a dedicated safe, the following support was requested from both facilities:
1. Office space for you and possibly members of the team to handle classified material and work in a private setting with minimal interruptions.
2. A safe to hold "SECRET" collateral material, including CDs, a standalone laptop, paper, office supplies, etc.
3. A point of contact, to be appointed to the defense team, to act as a conduit for sending/receiving SIPRNET emails and to send/receive classified information through the mail/FEDEX.

DILLS:
- DILLS will identify a SIPRNET individual.
- DILLS will identify a separate room where the defense could have access to classified material.
- DILLS will provide a storage location (safe) to store legal documents, laptop, and attorney WP.
- DILLS does not have a SIPRNET scanner, but is capable of having one installed.

BLUF: DILLS will require more coordination and time to adequately execute this mission.

NWC:
- NWC identified a SIPRNET individual that is available most business days between 0700-1530.
- NWC identified a location where the defense could have access to classified material.
- NWC will provide a Storage location (safe) to store legal documents, laptop, and attorney WP.
- NWC does have a SIPRNET scanner ready to be used by the SIPRNET individual.
- NWC will assist in coordinating access to the NWC (Naval Station) facilities for individuals without CAC cards to avoid delays in gaining access to the facilities, e.g. defense experts. Some prior coordination may be required-prior notice.

BLUF: With some minor additional coordination, NWC will be ready to execute this mission in the very near future.

I know DILLS is what you preferred but NWC seems better equipped and ready without many resourcing issues. Please let me know if you have a preference so we can consider it and continue moving the ball forward with final approvals and moving equipment.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, March 28, 2012 8:32 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>
Cc: Prather, Jay R CIV (US) <jay.r.prather.civ@mail.mil>; Kemkes, Matthew J MAJ USARMY (US) <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>
Subject: FW: Classified Filing

Ashden,

We have three classified attachments to our UMC motion. I tried to coordinate with Mr. Prather to determine the best process to provide him with these attachments. Based upon his response, it appears that electronic submission would be the most convenient.

Unfortunately, due to my lack of SIPRNET access, CW2 Santiago being on convalescent leave, MAJ Kemkes at ILE, and CPT Bouchard at TDS training the Defense does not have the ability to submit the documents electronically. I would like for the Government to simply send the referenced documents to Mr. Prather and the Court. Do you have any issues with doing so?

The three classified attachments are:

a. SD Card Forensic Report, Bates # 00125319-31;

b. PFC Manning's Primary SIPRNET Computer Forensic Report, Bates # 00211037-110; and

c. PFC Manning's Personal Computer Forensic Report, Bates # 00124283-362.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
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Fax: (508) 689-9282
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, March 28, 2012 8:34 AM
To: David Coombs
Cc: Prather, Jay R CIV (US); Kemkes, Matthew J MAJ USARMY (US); 'Bouchard, Paul R CPT USARMY (US)'; 'Joshua Tooman'; Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Filing

David,

We do not have an issue with sending those BATES pages. We will prepare the documents today to be sent tomorrow.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>
Sent: Wednesday, March 28, 2012 8:35 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Automatic reply: Classified Filing

I will TDY at Fort Riley, KS Tuesday, March 27 - Friday, March 30th. If you need immediate assistance please contact Mr. Eddie Young at 913-684-1866. Thank you.

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, March 28, 2012 8:37 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Prather, Jay R CIV (US)' <jay.r.prather.civ@mail.mil>; 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Classified Filing

Ashden,

Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, March 28, 2012 8:40 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Email regarding DOS

Ashden,

I just want to make sure that you received my email from last night regarding the DOS damage assessment. If not, I will resend it to you. If so, please forward it to COL Lind. Thank you.

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, March 28, 2012 8:45 AM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; 'Joshua Tooman'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Email regarding DOS

David,

We did not receive your email. Please re-send.

Also, after reviewing your email to request we provide the MJ and CSO with copies of the classified material, it appears that you are having ex parte conversations emails with Mr. Prather. As per the court's direction at the arraignment, please include the government on all your communications. Thank you.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, March 28, 2012 8:58 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Email regarding DOS

Ashden,

I did not consider the administrative conversation seeking how Mr. Prather would like to receive the attachments to be ex parte. This conversation is no different than other such purely administrative conversation that frequently happen between TC and MJ or MJ and defense. However, I will gladly include you on any future administrative questions.

Best,
David

David E. Coombs, Esq.
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, March 28, 2012 8:59 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: FW: Government Clarification Request Re: Dept. of State
Attach: TestimonyKennedy20110310.pdf

Ashden,

Below is the email, along with attachment, that I sent yesterday.

Best,
David

David E. Coombs, Esq.
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From: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 29, 2012 8:56 AM
To: David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Badges (UNCLASSIFIED)
Attachments: Encl 9 (DES Form 192 Personal Service).xfdl

Classification: UNCLASSIFIED
Caveats: FOUO

David,

Please read below and follow the outlined steps. This information is being sent by the Director of Emergency Services (DES) at Fort Meade.

Here are the steps for Mr. Coombs' family to get a visitor's "COPS" badge.

Please FWD the attachment to Mr. Coombs.
Have him fill out one copy for each family member. For unit info, he can list his business.
He then emails all copies to george.l.cartagena.civ@civ.mil Mr. Cartagena (VCC OIC) runs all the names thru NCIC.
Mr. Cartagena will then email Mr. Coombs notifying him of the approved names (should be all of them if there are no criminal histories).
Mr. Coombs has his family go to the VCC (Visitor's Control Ctr at the Reece Rd gate) with govt ID cards to have their photos taken and badges issued.

NOTE: Mr. Coombs does NOT need to be present at the VCC.
NOTE 2: We can accept a Canadian passport for a govt. photo ID.
NOTE 3: The visitor's badge will be good for 6 months from date of issue.

Any questions please let me know. Thank you!

v/r,

JP

Jairo A. Parra
WO1, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
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(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 29, 2012 10:22 AM
To: David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: FW: HDIB: Clearing cached Addresses in MS Outlook (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

David,

Please read the message below. Apparently this may also play a part into the e-mail issues. Please see if you are able to follow the steps below. At this point, we need to try everything and hopefully we will fix this issue.

v/r,

JP

Jairo A. Parra
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Legal Administrator
JFHQ-NCR, MDW
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jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 29, 2012 4:52 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Joshua Tooman'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Reciprocal Discovery Request
Attachments: 120329-Government Reciprocal Discovery Request.pdf

David,

Attached is the Government's reciprocal discovery request.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, March 29, 2012 4:55 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Reciprocal Discovery Request

Ashden,

Thank you. I will provide a Defense response shortly.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, March 29, 2012 7:09 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Prather, Jay R CIV (US)' <jay.r.prather.civ@mail.mil>; 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: Redactions

Ashden,

I am in the process of conducting my redactions. I would like to get the Government's position on whether you would have any objection to the following:

a) Quoting statements by Government counsel during arguments;
b) Quoting from Government Pleadings;
c) Quoting emails from the Government to the Court and/or the Defense; and
d) Quoting Court Rulings.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, March 29, 2012 8:38 PM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Joshua Tooman'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Redactions

David,

The government has no objection to a and d below because those are matters of public record, so long as they are accurate. Depending on what is written in b and c, the government might have an objection.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, March 29, 2012 8:43 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Redactions

Ashden,

Thank you for the clarification. I will send the redactions on Monday. If you spot anything that you have an immediate issue with, just let me know.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 30, 2012 9:54 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean. CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; 'Prather, Jay R CIV (US)' <jay.r.prather.civ@mail.mil>; Williams, Patricia CIV JFHQ-NCR/MDW SJA <patricia.williams@organization.com>
Subject: RE: Government Motion for Appropriate Relief

Ashden,

I thought the Court requested that the parties also send Word versions of any motion. Is the Government not doing this?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, March 30, 2012 10:05 AM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Government Motion for Appropriate Relief

David,

I was under the impression that was just for the protective orders and other proposed Court documents. This could be why she is not receiving your emails. I cannot confirm this yet, but we receive odd antivirus messages with your word documents. It does not appear to be a virus but we are investigating why antivirus goes crazy with your documents.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 30, 2012 10:12 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Government Motion for Appropriate Relief

Ashden,

Can you send me the antivirus message that you receive or the error code?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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coombs@armycourtmartialdefense.com
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, March 30, 2012 10:15 AM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Government Motion for Appropriate Relief

David,

I don't know if this is helpful, but here you go. We have sent this to our J6. We receive prompts on our computers, but in the end we can still access the files because they are not quarantined.

v/r
Ashden

pply Unwanted Programs Policy: Enabled
MIME scanning: Enabled
scanning message body: Enabled
Quarantine folder: quarantine
Scan Clean attachments Primary action: IDS_OUTLOOKSCAN_CLEAN_AUTO Scan Prompt for action Primary action: IDS_OUTLOOKSCAN_PROMPT Scan Clean attachments Primary action: IDS_OUTLOOKSCAN_CLEAN_AUTO Scan Prompt for action Primary action: IDS_OUTLOOKSCAN_PROMPT

3/29/2012 3:47:18 PM No Action Taken (Clean failed, file has multiple extensions)
JFHQNCR\Jeffrey.Whyte Attachment [Def. Article 104 Motion.doc\3.OLE] in Mail from [David Coombs]. Subject [Defense Motions] Suspicious Extensions (Virus)
3/29/2012 3:47:19 PM No Action Taken (Clean failed, file has multiple extensions)
JFHQNCR\Jeffrey.Whyte Attachment [Def. Article 134 Motion.doc\3.OLE] in Mail from [David Coombs]. Subject [Defense Motions] Suspicious Extensions (Virus)
3/29/2012 3:47:19 PM No Action Taken (Clean failed, file has multiple extensions)
JFHQNCR\Jeffrey.Whyte Attachment [Def. UMC Motion.doc\3.OLE] in Mail from [David Coombs]. Subject [Defense Motions] Suspicious Extensions (Virus)
3/29/2012 3:52:24 PM No Action Taken (Clean failed, file has multiple extensions)
JFHQNCR\Jeffrey.Whyte Attachment [Def. Article 104 Motion.doc\3.OLE] in Mail from [Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA]. Subject [RE: Defense Motions] Suspicious Extensions (Virus)
3/29/2012 3:52:25 PM No Action Taken (Clean failed, file has multiple extensions)
JFHQNCR\Jeffrey.Whyte Attachment [Def. UMC Motion.doc\3.OLE] in Mail from [Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA]. Subject [RE: Defense Motions] Suspicious Extensions (Virus)
3/29/2012 3:52:25 PM No Action Taken (Clean failed, file has multiple extensions)
JFHQNCR\Jeffrey.Whyte Attachment [Def. Article 134 Motion.doc\3.OLE] in Mail from [Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA]. Subject [RE: Defense Motions] Suspicious Extensions (Virus)

Number of attachments scanned: 46
Number of attachments detected: 0
Number of attachments cleaned: 0
Number of attachments deleted: 0

Number of attachments moved: 0
Number of messages deleted: 0

3/29/2012 7:56:08 PM Scan Complete

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 30, 2012 10:21 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Government Motion for Appropriate Relief

Ashden,

Thank you. I will investigate on my end.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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Toll Free: 1-800-588-4156
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coombs@armycourtmartialdefense.com
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, March 30, 2012 10:24 AM
To: David Coombs
Cc: 'Kernkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Government Motion for Appropriate Relief

David,

Please do. It appears she is not getting my emails either that I forward from you, but MSG Jefferson does. It could be the new email ".mil@mail.mil". We are working on this as well.

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 30, 2012 3:45 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Government Motion for Appropriate Relief

Ashden,

Did COL Lind send an email today regarding Word versions of our filings? If so, please forward it to me.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, March 30, 2012 3:48 PM
To: David Coombs
Subject: RE: Government Motion for Appropriate Relief

David,

We received an odd call from MSG Jefferson asking if we sent your word documents on the disk. We did. So just to alleviate any confusion, I sent this email.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, March 30, 2012 3:50 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Government Motion for Appropriate Relief

Ashden,

Until she tell us otherwise, I will continue to send Word versions. I will forward Word versions of the documents I filed today shortly.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Saturday, March 31, 2012 12:10 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Matthew kemkes <matthew.kemkes@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>
Subject: RE: 18 U.S.C. 641

Ashden,

I haven't heard anything from you regarding this issue below. Do you intend to respond to whether you are alleging stealing or converting?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Sunday, April 01, 2012 10:27 PM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; 'Joshua Tooman'
Subject: RE: 18 U.S.C. 641

David,

We do have a response and you should have it by COB tomorrow (Monday).

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 02, 2012 1:45 PM
To: David Coombs
Cc: Matthew kemkes; 'Bouchard, Paul R CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; 'Joshua Tooman'
Subject: RE: 18 U.S.C. 641

David,

In reference to the below email, we agree that under Morissette the Court determined there may be slight variances between what constitutes stealing and knowing conversion. However, each federal circuits' jury instructions are different and some circuits treat the two similarly. We still do not believe the government is required to specify which theory we are alleging. The accused is on notice of both theories. This is still a matter best left for instructions.

v/r
Ashden

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Tuesday, April 3, 2012 12:54 PM
To: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; David Coombs <coombs@armycourtmartialdefense.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Subject: Request additional funding, computer forensics, US v. Manning (UNCLASSIFIED)
Attach: Request for additional funding.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

Angel,

The Defense, in US v. Manning, is requesting additional funding for necessary computer forensics work. The attachment outlines our request.

Mr. Trent Struttmann wants to and is available to do the work from April 17-26; we may need him to testify at the next motions hearing slated for April 24-26.

Please acknowledge receipt of this e-mail and request.

The Government's immediate attention to this important matter is appreciated.

Thanks,

Respectfully,

Paul
Classification: UNCLASSIFIED
Caveats: FOUO

From: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 03, 2012 1:32 PM
To: Bouchard, Paul R CPT USARMY (US)
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Request additional funding. computer forensics, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Paul,

Email and attached request received. Thank you.

V/r,
Angel

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Tuesday, April 3, 2012 4:42 PM
To: Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA <louis.boston@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Cowan, Bradley M. CPT USA JFHQ-NCR/MDW SJA <bradley.cowan@organization.com>; De La Vega, Veronica MAJ USARMY (US) <veronica.delavega.mil@mail.mil>
Subject: 20-day extension to file GOMOR rebuttal (UNCLASSIFIED)
Attach: 20-day ext signed.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

Sir, Sir, Brad:

MAJ De La Vega's command is that of the Military District of Washington. She is respectfully requesting a 20-day extension to file her GOMOR rebuttal. Good cause exists for such a request – see attachment.

Please acknowledge receipt of this request.

Her 7-day deadline is this Thursday. We apologize for any tardiness of this request, but additional time is needed for a proper rebuttal.

Respectfully,

CPT Paul Bouchard
Defense Counsel
Office: 301-677-9231
Classification: UNCLASSIFIED
Caveats: FOUO

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Tuesday, April 3, 2012 9:00 PM
To: Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA <louis.boston@organization.com>; Stapley, Jordan C. CPT USA JFHQ-NCR/MDW SJA <jordan.stapley@organization.com>; Zimmerman, Sara J. SSG USA JFHQ- NCR/MDW SJA <sara.zimmerman@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Cowan, Bradley M. CPT USA JFHQ-NCR/MDW SJA <bradley.cowan@organization.com>; De La Vega, Veronica MAJ USARMY (US) <veronica.delavega.mil@mail.mil>
Subject: RE: 20-day extension to file GOMOR rebuttal (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Roger, Sir.
Many thanks.
Respectfully,
CPT Bouchard

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Tuesday, April 3, 2012 9:03 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: 20-day extension to file GOMOR rebuttal (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,
Wasn't sure who had this action, so I cc'ed you -- I now know its CPT Stapely.
My apologies
Apologies for also missing your promotion ceremony
Well deserved promotion. Congrats.
Are you deferring the Grad Course? Just wondering. I did defer.

V/R
CPT Bouchard

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Tuesday, April 3, 2012 9:11 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: 20-day extension to file GOMOR rebuttal (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

You're awesome. My bad.
V/R
CPT B

From: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>
Sent: Wednesday, April 4, 2012 10:46 AM
To: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; David Coombs <coombs@armycourtmartialdefense.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Request additional funding, computer forensics, US v. Manning (UNCLASSIFIED)
Attach: request additional funding 28 signed.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

Paul,

Could you please provide more detail to the 3 Apr 12 request? Since this is the second time defense is asking the CG to approve additional funds for defense experts in just over 2 months, he will likely need more of an explanation of why the last estimate was not realistic and this one is.
It seems that appx $4200 is for Mr. Struttman's presence at the motions hearing, but what about the rest of the money? Ie, why do they need more than what the CG granted on 1 Feb 12 and where did that money go? The requests states that last time the defense team finished early, which seems to indicate that there still should be money remaining.
Recommend drafting this request like the last one (attached) for the most expeditious handling of the request. The attached previous request gives a breakdown of the amount requested as well as a justification so the CG knew why the money was necessary. Thank you!

V/r,
Angel

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, April 4, 2012 11:16 AM
To: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Request additional funding, computer forensics, US v. Manning (UNCLASSIFIED)

Angel,

Our understanding is that the Government would like to have the funding requests done in increments as opposed to one lump sum? If that is true, we will likely make these types of requests whenever additional work/pretrial preparation is needed. I am not for sure how much of the initially approved funds are remaining, however, is that something that Mr. Parra or CW2 Ford can tell us? Once we have this figure, we could track the amount of remaining funding left and the necessity for any future requests. The latest request is simply an estimate. As we stated in the request, it is likely that the entire amount of funding will not be needed.

If you would like, I could explore providing a lump sum estimate for the likely forensic services/pretrial preparation/trial testimony for Mr. Lakes and Mr. Struttmann. Obviously, this would be a best guess estimate. If the funding were approved, it would eliminate the need to provide periodic requests.

With regards to additional justification for our latest request, the forensic work that was initially completed was designed to provide the Defense with an assessment of the work done by CCIU and to determine if our experts spotted any issues. Based upon their report, the Defense had several follow up questions/issues that need to be addressed in order for us to adequately prepare for trial. These additional questions/issues require more forensic work to be completed. Does this make sense? Let me know if this is responsive to your questions and whether you would like a lump sum request to the CG or if we should continue submitting incremental requests.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>

Sent: Wednesday, April 4, 2012 2:16 PM

To: David Coombs <coombs@armycourtmartialdefense.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>

Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>

Subject: RE: Request additional funding, computer forensics, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

David,

I'm not sure where the incremental idea came from, as that does not seem to be in line with the "estimated cost of employment" required by RCM 703d. An all-encompassing or lump sum request for the likely forensic services/pretrial preparation/trial testimony for Mr. Lakes and Mr. Struttmann is necessary to give to the CG an accurate picture of the amount of money that will be required to fund them. The amount on the contract does not matter as it is not considered when the CG makes his determination and contracting cannot pay any amount without the CG's approval.

Please estimate the full amount that is anticipated and submit a detailed request that shows how the previous money was expended so that the CG can make an informed decision on funding. Please include the total amount of hours worked and the total amount of future hours estimated with justification in your detailed accounting. Thank you!

V/r,
Angel

Filename: Security Info.msg

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>

Sent: Wednesday, April 4, 2012 5:29 PM

Subject: Security Info

Size: 54KB (54,272 bytes)

From: Bouchard, Paul R CPT USARMY (US) [paul.r.bouchard.mil@mail.mil] on behalf of Bouchard, Paul R CPT USARMY (US)
Sent: Wednesday, April 04, 2012 5:41 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Security Info (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you, Sir.
I will salute you any time prior to 10 May. After that, we're equals again.
V/R
CPT Bouchard

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 04, 2012 5:44 PM
To: 'Bouchard, Paul R CPT USARMY (US)'
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Security Info (UNCLASSIFIED)

Lock it up too..

Also for future reference... I recommend being careful replying to encrypted emails without encryption, because the data is sent out without encryption in the reply (I deleted the information below).

From: Bouchard, Paul R CPT USARMY (US) [paul.r.bouchard.mil@mail.mil] on behalf of Bouchard, Paul R CPT USARMY (US)
Sent: Wednesday, April 04, 2012 5:49 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Security Info (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Roger.
Thanks.
V/R
CPT Bouchard

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 6, 2012 10:42 AM
To: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; edl@cyberagentsinc.com; ts@cyberagentsinc.com; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>
Subject: RE: Request additional funding, computer forensics, US v. Manning (UNCLASSIFIED)
Attach: Forensic Funding Request.pdf; Funding Attachments.pdf

---

Angel,

Please see that attached request along with the reference attachments. Let me know if you have any additional questions, and when you anticipate this request to be acted upon by the convening authority. Lastly, can you provide me with an update regarding the "overage" issue from the initial funding authorization? I want to make sure that Mr. Lakes and Mr. Struttmann are paid for the work that they have already performed. Thank you.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
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Toll Free: 1-800-588-4156
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 6, 2012 10:49 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago@us.army.mil>; 'Joshua Tooman' <joshua.j.tooman.mil@mail.mil>
Subject: Discovery Response
Attach: Defense Discovery Response.pdf

Ashden,

Here is the Defense discovery response. As stated in the response, we will ensure that you are provided timely access to the reciprocal discovery. Please let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
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Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 06, 2012 11:25 AM
To: David Coombs
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; 'Joshua Tooman'
Subject: RE: Discovery Response

David,

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 06, 2012 11:26 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; 'Bouchard, Paul R CPT USARMY (US)'
Cc: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; edl@cyberagentsinc.com; ts@cyberagentsinc.com; Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Request additional funding, computer forensics, US v. Manning (UNCLASSIFIED)

David,

We received the email, and Angel or I will get back to you shortly.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 06, 2012 5:14 PM
To: David Coombs
Cc: Robillard, Socorro A., CIV, NAVWARCOL; 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: 404(b) Notice
Attachments: 120406-Govt_404b_Notice.pdf

David,

Attached is the government's 404(b) notice.

v/r

Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 06, 2012 5:17 PM
To: David Coombs
Cc: Robillard, Socorro A., CIV, NAVWARCOL; 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: 404(b) Notice

David,

I hit send too fast. Additionally, Ms. Corrie Robillard (CCed) is your POC at the NWC for all matters security & SIPRNET emails. She has been approved to be your designated point of contact to send and receive SIPRNET emails on your behalf. Additionally, she has the workspace, computer, safe, and printer ready for you once you go to the NWC.

We will get the initial batch of classified discovery in the mail early next week so you have the material to access. Ms. Robillard's information follows:

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil
Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 6, 2012 5:38 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Robillard, Socorro A., CIV, NAVWARCOL' <socorro.robillard@usnwc.edu>; 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>, Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: 404(b) Notice

Ashden,

Thank you. I will reach out to Ms. Socorro on Tuesday.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
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Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 6, 2012 5:43 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: Grand Jury Testimony

Ashden,

In your response to the Defense Motion to Compel Discovery, dated 8 March 2012, you stated "[t]he United States intends to produce all grand jury materials, both classified and unclassified, that are "relevant and necessary" and the United States has authority to disclose under the federal rules." During our last 802 conference you stated that you intending to provide the grand jury materials. Can you provide me with an estimated time line for these materials? Thank you.

Best,
David

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From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu] on behalf of Robillard, Socorro A., CIV, NAVWARCOL
Sent: Monday, April 09, 2012 7:51 AM
To: David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Kemkes, Matthew J MAJ USARMY (US); Bouchard, Paul R CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: 404(b) Notice

Dave,

Good morning. I am trying to arrange my schedule for this week. I have an appointment on Thursday, April 12, 2012, and won't be in on that day. If you are coming in on that date, please let me know ahead of time and I will re-schedule my appointment.

FYI - I will keep you posted when I'm not in (which is very rare unless I have to attend conference/s outside Rhode Island).

Please do not hesitate to contact me.

V/r Corrie
NWC Classified Material Control Officer

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 09, 2012 10:53 AM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Grand Jury Testimony

David,

We are working to review this material along with the FBI case file. If we find discoverable material, we will provide it to the defense as soon as possible once we confirm that we have the authority to disclose. We estimate that we will complete our review of any grand jury testimony in the next three weeks and intend to notify you of any discoverable material by 1 May. Additionally, we hope to disclose any discoverable material by 1 May as well.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 09, 2012 11:35 AM
To: David Coombs
Cc: joshua.j.tooman.mil@mail.mil; matthew.j.kemkes.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; paul.r.bouchard.mil@mail.mil; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Touhy Update

David,

On Friday, we received an update from the Department of State that the Office of the Legal Adviser received your request and is processing it through the appropriate channels. I will send an update as I receive them. Do you still intend to submit the other request to the federal agency?

v/r

Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 9, 2012 12:22 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Grand Jury Testimony

Ashden,

I am not for sure I understand your response. What is the "discoverable material" standard that you are using to determine what to disclose? Also, why do you believe it would take until May 1st to complete your review? The Grand Jury investigation started in December of 2010. At that time, the Defense requested access to the investigation being conducted by the DOJ. Additionally, you have been on notice that these materials were the subject of a compel discovery motion since February. I am not clear on why the review hasn't already been done, and why I don't have these documents.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 9, 2012 12:24 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: joshua.j.tooman.mil@mail.mil; matthew.j.kemkes.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; paul.r.bouchard.mil@mail.mil; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Touhy Update

Ashden,

This was Fed-Ex'd two weeks ago. All that the DOS has done is confirmed receipt? I plan to submit additional Touhy requests.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 10, 2012 8:34 AM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Grand Jury Testimony

David,

Material outside the possession of military authorities is discoverable under RCM 701(a)(6) and Brady. The United States has provided the defense FBI and grand jury material above and beyond this requirement and continues to review and coordinate additional review of material, including testimony. This case was referred in early February, and we have since been litigating this issue, which resulted in the United States informing the Court and defense that we intend to produce, as soon as practicable, any discoverable material we identify and have approval to make available. No later than 1 May is our best estimate considering the amount of information that the prosecution has a due diligence requirement to review and which we have been and are continuing to review.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, April 10, 2012 8:49 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'Kemkes, Matthew J MAJ USARMY (US)' <matthew.j.kemkes.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Grand Jury Testimony

Ashden,

Can you provide me with the Bates numbers for any grand jury testimony that have you provided to the Defense? Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-1156
Local: (508) 689-4616
Fax: (508) 689-9282
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 10, 2012 8:50 AM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Grand Jury Testimony

David,

We have not provided any grand jury testimony, only materials obtained through the grand jury.

v/r
Ashden

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 10, 2012 8:51 AM
To: David Coombs
Subject: RE: Grand Jury Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Do you want to include Alec on these defense emails?

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 10, 2012 8:53 AM
To: David Coombs
Subject: RE: Grand Jury Testimony (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Sorry. Please disregard my last email.

v/r
Hunter

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 10, 2012 9:01 AM
To: David Coombs
Cc: 'Kemkes, Matthew J MAJ USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Grand Jury Testimony

Defense,

Could you please include 1LT Alec VonElten on our future emails as another TC. He has joined the prosecution as an assistant trial counsel. Thank you!

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, April 11, 2012 2:57 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; ashden.fein@us.army.mil; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>; edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: DTS and Funding

Angel,

Can you provide me with an update on the Defense computer forensic funding request? My expert will need to travel next week in order to work on the case and prepare for his testimony during the Article 39(a). Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, April 11, 2012 6:38 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>
Subject: Funding

Ashden,

Please provide me with an update regarding funding for the Defense computer forensic experts. My expert is planning on traveling on the 17th to Fort Meade and staying until the 26th.

Additionally, can you let me know when you intend to have PFC BM in the Fort Meade area? I intend to come early, and if he is present, I would like for him to be brought to the Fort Meade TDS office.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Wednesday, April 11, 2012 7:51 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>
Subject: Transcript

Ashden,

Can you provide me with an update on receiving the digital recordings? I need these recordings for my reply motions. Will you be able to courier them to me before the end of the week?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 11, 2012 9:20 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Funding

David,

We should have an answer on the additional funding for your experts tomorrow, based on the planned CG appointment. Mr. Parra is still confirming the issue with the overage and you should have an answer from us on the overage by tomorrow.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>
Sent: Wednesday, April 11, 2012 9:20 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Automatic reply: Funding

I will TDY at Fort Hood, TX, 10 April - 13 April. If you need immediate assistance please contact Mr. Eddie Young at 913-684-1866. Thank you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 11, 2012 9:22 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Transcript

David,

So far we have found the 39a audio from 15-16 Mar. Is this what you would like?

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 11, 2012 10:40 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Cc: Santiago, Melissa S CW2 USARMY (US); edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: RE: DTS and Funding

David,

Additionally, CID is finishing their analysis of the computer hard drives and we should have a good understanding of what information does/does not exist by Friday afternoon. The government's and defense's issues might be moot based on the status of the hardware and/or whether they could recover any information, thus the need to re-litigate this issue and have our experts testify might be moot.

I have been told that many of them were either completely wiped or inoperable, while some did have information on them. I will give you an update on Friday afternoon.

v/r
Ashden

From: coombs@armycourtmartialdefense.com
Sent: Wednesday, April 11, 2012 10:52 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Transcript

Yes - if you could courier it to me tomorrow, that would be great.

Thanks,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 12, 2012 7:15 AM
To: coombs@armycourtmartialdefense.com
Subject: RE: Transcript

David,

We will try to get it in FEDEX for overnight delivery today.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 12, 2012 6:31 PM
To: coombs@armycourtmartialdefense.com
Cc: Kemkes, Matthew J MAJ USARMY (US); 'Bouchard, Paul R CPT USARMY (US)'; 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Experts
Attachments: 120412- GCMCA Approval of Additional Funding of Defense Forensic Computer Experts.pdf

David,

The GCMCA approved the defense funding request for an additional $70,000. Attached is the approval.

As for the amount remaining under prior approvals and the issue with unauthorized overages- I will send you an email early next week that outlines every issues that has been present and the way forward. After reviewing our previous emails and the bills/accountings we have received from CyberAgents, there are too many inconsistencies between the emails and submissions to give you a clear answer. This will be resolved by Wednesday.

As for their travel-

Although much of the computer systems processing outlined in your Renewal of Motion to Compel Discovery might not take a long time as you have highlighted, what seems to be overlooked is having that volume of information reviewed by security experts and how much time that process will take. Any information removed from a classified hard drive must be reviewed by security experts and will likely have to be submitted to OCAs if classified information is found, including filenames. With that being said, we are still working with CCIU to determine how much information exists on the drives that will need to be reviewed by information security professionals. Many of the drives are not operational or are wiped. I should have the exact number of the operational drives on Monday afternoon. We are positioned to schedule their travel and can do so Monday if you still want them to travel on Tuesday for this purpose. We offer that we might be able to find a middle ground which won't require this testimony or travel and can discuss on Monday.

v/r

Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 12, 2012 8:28 PM
To: coombs@armycourtmartialdefense.com
Cc: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; joshua.j.tooman.mil@mail.mil; matthew.j.kemkes.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; paul.r.bouchard.mil@mail.mil; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Subject: Discovery

David,

Tonight, we FEDEXed the following:

To your office (Tracking: 7934 4983 5976)- unclassified material (BATES: 00419647-419804) consisting of various CID documents, unclassified but sensitive damage assessments / impact statements as part of our due diligence searches, the audio for the arraignment and motions hearing, and other miscellaneous documents.

To NWC for you (Tracking: 7934 4752 7495)- classified material, complete reproduction of previously produced classified material, the initial production of FBI material, but with corrected BATES numbers (BATES: 00412614-00417914), a new production of additionally approved FBI material (BATES: 00417915-00419518), and miscellaneous classified documents (BATES00419519-00419646).

Based on your previous request an the change of military defense counsel, we are working to finalize a complete reproduction of ALL material so you and your team have a fresh copy. Additionally, we intend to give you an updated Section III disclosure by the middle of next week.

Now that there is a change in military defense counsel, which office would you like us to send the information?

Thanks.

v/r

Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 12, 2012 8:50 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Discovery

Ashden,

Please continue to send all discovery to myself and to Chief Santiago. Once the classified discovery arrives at NWC, I will let you know.

Also, please remove MAJ Kemkes and CPT Bouchard from all future emails. Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 13, 2012 5:57 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Subject: Discovery

Ashden,

I received the unclassified discovery today. Also, the classified discovery was received by NWC. I have arranged to see the facility next week at the NWC.

I have a couple of questions that I would like to have answers to:

1) With regards to the unclassified damage assessments provided in discovery, when did the Government receive these documents?

2) Are there any more unclassified damages assessments in the Government's possession?

3) Do you have an update on the 14 hard drives?

4) Who is the Government bringing from the Department of State for the motions hearing? Can you provide this person's contact information?

5) Are you planning on providing me with your proposed LIOs? If so, perhaps this is something we can agree upon.

6) Did you receive the emails from COL Lind regarding her email problems?

7) I have forwarded the documentation regarding badges for my family. Has Mr. Parra heard anything on that issue?

8) Has the DOS provided any further updates on my Touhy request?

9) When does the Government plan to have PFC BM in the Fort Meade area? Additionally, is the plan to return him to the JRCF immediately after the 39(a) is completed? The Defense's preference would be to return PFC BM to military control at the JRCF.

Thank you for your attention to the above matters.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156

Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 13, 2012 5:59 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Discovery

David,

We will work on these responses. We have been out for the past few hours at CW2 Parra's promotion ceremony. I am just now catching up on emails.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 13, 2012 6:10 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Subject: RE: Discovery

Ashden,

Please pass on my congratulations to CW2 Parra.

Best,
David

David E. Coombs, Esq.
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From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Monday, April 16, 2012 10:09 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>
Subject: CPT Paul Bouchard (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ashden (Sir), Joe, Angel, Jeff:

As you know, PFC Manning fired both myself and MAJ Kemkes from further representation. It's embarrassing, but these things happen.

FYI: My promotion ceremony will be held Friday, May 11, at 10:30 a.m. at the Fort Belvoir TDS Office. Ceremony will also coincide with CPT Gil's (he's a DC here) farewell. Reception to follow at Famous Dave's Barbecue in Alexandria, VA. Fully understand if you guys can't make it.

Best,

Paul

Classification: UNCLASSIFIED
Caveats: NONE

Filename: FW: More email issues with Judge receiving Mr. Coomb's emails. (UNCLASSIFIED).msg

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>

Sent: Monday, April 16, 2012 12:58 PM

Subject: FW: More email issues with Judge receiving Mr. Coomb's emails. (UNCLASSIFIED)

Size: 61KB (61,952 bytes)

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 3:53 PM
To: David Coombs
Cc: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR \MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Hard Drives (EnCase Forensic Images)

Importance: High

David,

After consultation with the government forensic experts, it appears that out of the 14 hard drives that were identified to be present in the TOC or SCIF, 2 drives are completely inoperable, 7 drives are wiped, 4 drives have file structures present, and 1 drive is partially wiped. In total, only 5 drives have any information that could answer your request and ultimately the Court's order, dated 23 March 2012.

Based on this information and in an effort to continue producing as much information in discovery as possible, regardless of classification, the United States is willing to produce forensic copies of the 5 drives to the defense, but only after receiving authorization from relevant OCAs, if classified information is identified on the drives. In order to make this happen, we will have our forensic experts continue their examination and then pass the information to the security experts to start a review. Our goal is to have the drives examined and approved for release by 18 May 2012, the Court's deadline for the other matters in the defense motion to compel.

The United States does not acknowledge any of the defense's arguments or stated interpretation of the relevant authorities. The United States maintains that a complete search of these drives is not material to the preparation of the defense, regardless of their classification. Additionally, the United States has never maintained that the forensic computer exams will take an extended period, but rather it would takes weeks for the security experts to review the 14 hard drives for classified information and the prosecution to obtain needed approvals. Now knowing that only five drives are at issue (the fifth being partially wiped), this process should not be too onerous for our security experts and they should be able to complete everything, including obtaining approvals, if any, within the next 30 days.

Please let us know whether this is acceptable and we will notify the Court. Additionally, please let us know whether you still require your forensic experts to travel this week or next week for the motions hearing.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 4:36 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil, Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Hard Drives (EnCase Forensic Images)

Ashden,

I would like for you to run the search per the court's order. Once we have the results of those searches, then I will give you my position on the option you propose. Additionally, I still need my forensic expert to travel this week to conduct needed forensic work, and I would like for him to be present for the motions hearing. Lastly, please provide answers to the other questions that I sent to you last Friday.

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 4:49 PM
To: David Coombs
Cc: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR \MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Hard Drives (EnCase Forensic Images)

Importance: High

David,

Thank you. We will coordinate the forensic experts travel; however we are confused by your email. In the defense renewal of the motion to compel discovery, you ask the Court to "order the Government to conduct searches on the relevant computers...." After the initial review of the drives and understanding how much information will be required to be reviewed for classification, the United States is willing to perform exactly what the defense is requesting, with the addition of providing forensic images of the drives, as per the original request. It would be wholly less efficient for the defense and the United States to continue having our forensic experts conduct a cursory review of the drives and litigate this issue, when the government is willing to provide the defense the information you originally requested (assuming we obtain the proper approvals for any classified information). Please provide clarification.

We will provide you answers to your questions on Friday and updates on other issues by COB today.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil] on behalf of Tooman, Joshua J CPT USARMY (US)
Sent: Monday, April 16, 2012 4:57 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US)
Subject: RE: More email issues with Judge receiving Mr. Coomb's emails. (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir

I have provided Mr. Coombs with the password, as requested. Thanks.

v/r
Josh

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 5:02 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil, Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Hard Drives (EnCase Forensic Images)

Ashden,

I guess I don't understand what you are saying. If you are doing the searches for unauthorized software, per the Court's order, you should have the results NLT 20 April. If you are also doing a search utilizing the method the Defense experts suggested, you should have those results NLT 20 April. So I would like the results of either search on or before 20 April. At that point, we can discuss whether you would also provide an EnCase copy to the Defense.

Also, why can't you respond to any of the Defense's questions until Friday? I would like to have the answers to the questions sooner rather than later, especially with respect to the following:

1) With regards to the unclassified damage assessments provided in discovery, when did the Government receive these documents?

2) Are there any more unclassified damages assessments in the Government's possession?

3) Who is the Government bringing from the Department of State for the motions hearing? Can you provide this person's contact information?

Best,
David

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coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 5:31 PM
To: David Coombs
Cc: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR \MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Hard Drives (EnCase Forensic Images)

David,

As for the forensic drives, CID will continue examining the drives as per the Court's order and we will provide the results by 20 April 2012. However, in an effort to save time and resources for all parties involved (defense, government computer experts, government classification experts), we can produce the forensic images of the drives, as per the defense's original request. The defense will be able to conduct any analysis/procedure it wishes with complete copies of the drives.

We can wait until after 20 April 2012, however it will take more time after that to get those drives fully reviewed for security classification purposes, than merely the filenames. If the defense ultimately wants the forensic images and access to the files (as per the original motion and the renewed motion) sooner than later, the United States recommends the defense support this way forward, so we can divert CID resources from continuing to search for these programs and having to dedicate security experts to the review of the lists, and just have all of them focus on the actual files. We are confident we will be able to have them reviewed and approved, absent some unusual issue, by 18 May 2012.

Following this email, I will send you responses to your questions from Friday. My previous email was intended to simply explain that I will provide you answers by COB today, for your questions you asked on Friday.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 5:42 PM
To: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil
Subject: RE: More email issues with Judge receiving Mr. Coomb's emails. (UNCLASSIFIED)

Thanks.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 5:48 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; mellssa.s.santiago.mil@mail.mil
Subject: RE: Discovery

David,

Below are our responses to the applicable questions. The others should be OBE or subject to other emails today.

1) The prosecution has been working with many government agencies pursuant to our obligation to search for discoverable information under Williams. As we identify discoverable information, we seek approvals to release the information. Over the past few weeks, we reviewed these particular assessments; identified discoverable information contained within, obtained approvals to release them, and produced them to the defense as soon as possible.

2) The prosecution continues to review additional unclassified assessment(s), and will diligently work to obtain approvals to turn the discoverable portions, if any, over in discovery.

4) The United States will notify you of the individual, once we receive the information. We expect this decision in the next few days. Additionally, we will work to provide you contact information for the individual and/or setup a time prior to the motions hearing for you to interview the individual.

5) I am confident we can work on this as we move forward, but we are not in a position to send any as of yet. We will address this issue after the next motions hearing.

7) I will check with Mr. Parra about this issue.

8) The Department of State is processing your Touhy request and we were told that they might have an answer by the end of this week.

9) Please see your previous email at the very bottom.

A) Defense expert witnesses. We should be able to give you a comprehensive answer on the status of funding for your experts and their contract issues by Wednesday, as per my email last week. Once CW2 Parra returns this is his priority. They are currently funded for their travel tomorrow. SGT Feito is making their reservations and has been trying to contact them.

B) OCA POCs.
1. Rear Admiral David Woods (CDR Thomas Welsh, SJA, JTF-GTMO, Thomas.J.Welsh@jtfgtmo.southcom.mil)
2. LT Gen Schmidle (LTC Lisa Gumbs, OSJA, CYBERCOM at llgumbs@nsa.gov) 3. Vice Admiral Robert Harward (should obtain tomorrow) 4. Rear Admiral Donegan (should obtain tomorrow)

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 6:00 PM
To: David Coombs; 'Tooman, Joshua J CPT USARMY (US)'
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Expert Travel

David and Josh,

SGT Feito just spoke with Mr. Struttman and he told her that he was not tracking to travel to Fort Meade, MD tomorrow because he did not receive the funding update from the defense last week. Could you please let us know whether you still want him to travel tomorrow and let him know as well. SGT Feito is standing by to coordinate his travel.

Thank you.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 6:33 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: joshua.j.tooman.mil@mail.mil; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Hard Drives (EnCase Forensic Images)

Ashden,

The Defense requests that the Government comply with the Court's order. We will deal with any remaining issues after 20 April.

Best,
David

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 6:35 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; ts@cyberagentsinc.com; edl@cyberagentsinc.com
Subject: RE: Expert Travel

Ashden,

Please coordinate travel for Mr. Struttmann. As stated before, I need Mr. Struttmann to conduct additional forensic work, and would like to have him present for the Article 39(a). Thank you.

Best,
David

David E. Coombs, Esq
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 6:41 PM
To: David Coombs; 'Tooman, Joshua J CPT USARMY (US)'
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; ts@cyberagentsinc.com; edl@cyberagentsinc.com
Subject: RE: Expert Travel

David,

Thank you. SGT Feito is standing by to assist tonight.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 6:42 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Discovery

Ashden,

With regards to #1, I am not clear when the Government received these assessments. I understand from your email that you reviewed the assessment over the past few weeks, but how long have you had these assessments? Additionally, some of these assessments are interim assessments. Do you have any follow up assessments?

Best,
David

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 6:43 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Expert Travel

Ashden,

Please provide me with SGT Feito's contact information.

Best,
David

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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 16, 2012 6:54 PM
To: David Coombs
Cc: Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA
Subject: RE: Expert Travel

David,

SGT Feito is CCed. She is working the issue from home on her BB and Laptop.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Monday, April 16, 2012 6:55 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA <beatriz.feito@organization.com>
Subject: RE: Expert Travel

SGT Feito,

Please call Mr. Struttmann 859-368-2040. He is standing by for your call now. Thank you.

Best,
David

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From: Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 17, 2012 9:18 AM
To: David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Family Access to FGMM (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

David,

This issue has been coordinated with Mr. George Cartagena (301-677-2860) at the FGMM VCC. The VCC has your folder and are expecting you and your family members. You and your family members are required to be present so they can take picture for the badges prior to or on first day of the hearing. Perhaps coordinating the date is most preferred and easier for FGGM. If you have any questions please let me know.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
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jairo.parra@us.army.mil
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(931) 572-7632 - Cell

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Classification: UNCLASSIFIED
Caveats: FOUO

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 17, 2012 9:47 AM
To: David Coombs
Cc: Bouchard, Paul R CPT USARMY (US); melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery

David,

Since prior to referral, we have been coordinating with different federal organizations which we have reason to believe prepared an assessment, as a result of our continuing Williams and/or ethical obligations. Those organizations began providing us with these assessments as early as a few weeks ago and as recent as a few days ago. We adopted an efficient method of receiving, reviewing, and, if necessary, obtaining approval for the disclosure of the assessments, so that we can produce the discoverable portions, if any, to the defense as soon as possible. These assessments are the most current.

The prosecution will continue to produce as much information as authorized to mirror open-file discovery, but only pursuant to the authority we receive, based on balancing disclosure with protecting national security.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, April 17, 2012 10:20 AM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA <jairo.parra@organization.com>
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Family Access to FGMM (UNCLASSIFIED)

CW2 Parra,

Thank you for providing me with this update.

Best,
David

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, April 17, 2012 12:11 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Subject: RE: Discovery

Ashden,

These assessments are dated November 2010. Are you saying that you just got these a few weeks ago? You stated in your response to the Defense Motion to Compel Discovery that you had requested these items in May of 2011. Why are you receiving them 10 months later?

Finally, please ensure that you do not send emails to CPT Bouchard or MAJ Kemkes. Your last email had listed CPT Bouchard instead of CPT Tooman.

Best,
David

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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, April 17, 2012 5:06 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Redactions

Ashden,

Can you tell me when you expect to send the Government's version of the redacted motions?

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, April 17, 2012 5:07 PM
To: David Coombs
Subject: RE: Redactions

David,

We are finalizing the compilation of all the input. I expect to send something out in the next hour and I don't expect to have any objections based on your redactions; however I have to wait to hear from all the organizations.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Tuesday, April 17, 2012 5:09 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Redactions

Thank you.

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 18, 2012 9:17 AM
To: David Coombs
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Discovery

David,

Since May 2011, the United States has requested that all entities whose files it is required to search under Williams to segregate and preserve any records related to the accused, WL, and the evidence in this case. An example of this request has been provided in our filings. Our continuing search of these records provided us with a good faith basis that potentially discoverable information may exist within the files of more than fifty additional agencies. The prosecution promptly began coordinating with these agencies to review these materials and, if discoverable, to obtain approval to disclose in discovery. The assessments we disclosed to the defense last week are the unclassified discoverable materials we reviewed from these additional agencies.

The United States continues receiving, reviewing, and, if necessary, obtaining approvals for the disclosure of the assessments, both classified and unclassified, to the defense.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 19, 2012 1:47 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>
Subject: Issues

Ashden,

Please provide answers to the following questions:

1) Hard Copies: I would like to have hard copies of the charged documents for the 793(e) offenses delivered to the NWC. You had previously indicated that this would not be a problem. Is this something that you could accomplish before the end of next week?

2) FBI: I have looked through the majority of the FBI documentation and have some concerns regarding the redactions. Many of the documents are incomprehensible due to the scope of the redactions. Can you tell me who redacted these documents, and what was the standard used for determining what should be redacted?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 7:51 PM
To: 'Tooman, Joshua J CPT USARMY (US)'; David Coombs
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Forensic Experts Overage
Attachments: Billing, Computer Forensics Team (UNCLASSIFIED); Cyber Agents Timeline.xlsx; RE: Cyber Agents Invoice (UNCLASSIFIED); W91QF7-11-P-0079.doc; W91QF7-12-P-0031.doc; W91QF711P0079\ \4BTY1\ \RR\01\USVMANNING1\HQ0490\ \Accepted; W91QF712P0031 \ \4BTY1\ \RR\0001\USVMANNING3\HQ0490\ \Accepted

Josh and David,

In order to alleviate any confusion from this point forward, the military defense counsel is responsible to supervise defense expert contractors, as annotated in the formal statement, and must ensure there is no work performed outside of the contract.

Attached is a spreadsheet and all the supporting documentation for the defense's computer forensic experts. As you will see, there was unapproved work completed for the Article 32, which constitutes an unauthorized overage with contracting. From my understanding, Mr. Parra spoke with Eric Lakes and Paul during the arraignment to clarify that CyberAgents and the military defense counsel must contact contracting to account for the unapproved work to arrange compensation.

We will support the defense's efforts to have your experts paid, especially considering they have received subsequent approvals; however as it has been explained to us- this is a contracting violation and must be resolved between the military defense counsel/contractor and contracting.

v/r

Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 8:20 PM
To: 'Tooman, Joshua J CPT USARMY (US)'
Cc: David Coombs; melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Classified Information

Josh,

Now that the other military defense counsel are no longer on the case, please notify us when all the classified information within their possession is properly secured by the defense experts, pursuant to the Court's order and their courier cards have been returned to relevant security managers. Also, please let us know which location the classified material will be stored, so we can properly account for the material.

Additionally, it is our understanding that in the past MAJ Kemkes, Paul, or Melissa were present, as government representative, with the forensic experts when conducting their review. What is the defense's plan in order to ensure a government representative (military or civilian) is present anytime classified information is being accessed, to include David's access in MD or VA?

Thank you!

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>
Sent: Thursday, April 19, 2012 8:27 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Cc: 'coombs@armycourtmartialdefense.com'; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>;-Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: Re: Classified Information

Sir

Mr. Coombs and I will be discussing the way forward on Monday and will be sure to address this.

Thanks.
Josh

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 8:27 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: 'coombs@armycourtmartialdefense.com'; Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Information

Thank you!

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 19, 2012 8:34 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Classified Information

Ashden,

Here are the answers to your questions:

1) The classified information will remain at Fort Meade and Fort Myer. The Fort Meade location will be used to provide the Defense with access to classificd information during any motions hearing and the trial. The Fort Myer location will be for our paralegal. Chief Santiago is PCSing in July. I believe her replacement will be given the same office that she currently is in at Fort Myer. Once CPT Tooman completes his PCS to D.C., we can move the Leavenworth safe to his office.

2) Computer forensic work: Currently, our forensic work is being done with CPT Bouchard acting as the government representative being present. In the future, we will have either CPT Bouchard, our paralegal or CPT Tooman present:

3) My access: When I am in VA, my access is covered by the Navy Security representative, Ms. Socorro Robillard. When I have access in MD, I am always with a government representative.

4) Courier Cards: Can you explain why the courier cards will need to be returned?

Please let me know if you have any questions or concerns.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 19, 2012 8:36 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Cc: 'Santiago, Melissa S CW2 USARMY (US)' <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Classified Information

Ashden,

Did you receive my earlier email today regarding hard copies of certain documents and the FBI discovery?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 8:37 PM
To: David Coombs; 'Tooman, Joshua J CPT USARMY (US)'
Cc: 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Information

David,

I did receive it. I am just getting through emails from today. I will respond shortly.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>
Sent: Thursday, April 19, 2012 7:51 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Automatic reply: Forensic Experts Overage

I will TDY at Fort Meade, MD, 20 April - 29 April and will have limited access to email. If you need immediate assistance please contact Mr. Eddie Young at 913-684-1866. Thank you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 8:52 PM
To: David Coombs; 'Tooman, Joshua J CPT USARMY (US)'; Bouchard, Paul R CPT USARMY (US); matthew.j.kemkes.mil@mail.mil
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Information

David,

Thank you. If CPT Bouchard is no longer detailed to the case, then he cannot have access to classified information pursuant to the Court's protective order and the Army G2's authorization for military defense counsel. Please address this with the Court before he continues to have access, because he is personally responsible for this material. We will support the defense in a reasonable interim solution. For the same reasons, both MAJ Kemkes and CPT Bouchard need to return their courier cards, because they are not authorized access to classified information.

For the sole purpose of this email, I added MAJ Kemkes and CPT Bouchard.

Thank you!

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 19, 2012 8:58 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; matthew.j.kemkes.mil@mail.mil
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Classified Information

Ashden,

We can discuss this issue with the Court.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 8:59 PM
To: David Coombs; 'Tooman, Joshua J CPT USARMY (US)'; 'Bouchard, Paul R CPT USARMY (US)'; matthew.j.kemkes.mil@mail.mil
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Information

David,

Thank you. Please discuss prior to CPT Bouchard accessing any more classified information.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 19, 2012 9:05 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: RE: Classified Information

Ashden,

CPT Bouchard has not been officially removed as of yet. We can discuss this with the Court on Tuesday.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Thursday, April 19, 2012 9:05 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; 'Bouchard, Paul R CPT USARMY (US)' <paul.r.bouchard.mil@mail.mil>; matthew.j.kemkes.mil@mail.mil
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Classified Information

Ashden,

CPT Bouchard has not been officially removed as of yet. We can discuss this with the Court on Tuesday.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, April 19, 2012 9:08 PM
To: David Coombs
Subject: RE: Classified Information

David,

Great. Thank you!

v/r
Ashden

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>

Sent: Friday, April 20, 2012 8:30 AM

To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; David Coombs <coombs@armycourtmartialdefense.com>; Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>; Kemkes, Matthew J MAJ USARMY (US) <matthew.j.kemkes.mil@mail.mil>

Cc: Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>

Subject: RE: Classified Information (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Fein -- FYI:

Yesterday afternoon I returned my courier card to Mr. Ryan Mowry, the appropriate security officer here at Fort Meade.
I'm only opening and closing the classified safe Mr. Struttmann at this point.
I'm awaiting further guidance and will comply with it.
Respectfully,
CPT Bouchard

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 20, 2012 10:32 AM
To: 'paul.r.bouchard.mil@mail.mil'; 'coombs@armycourtmartialdefense.com'; 'joshua.j.tooman.mil@mail.mil'; 'matthew.j.kemkes.mil@mail.mil'
Cc: 'melissa.s.santiago.mil@mail.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Re: Classified Information (UNCLASSIFIED)

Paul. Thanks. Based on david's email last night that yall are still on the case, we see no issue. Thanks!

From: Bouchard, Paul R CPT USARMY (US) <paul.r.bouchard.mil@mail.mil>
Sent: Friday, April 20, 2012 10:35 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; coombs@armycourtmartialdefense.com; Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>; Kemkes, Matthew J MAJ USARMY (US) <matthew.j.kemkes.mil@mail.mil>
Cc: Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Classified Information (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Okay.
Thanks.
v/R
CPT Bouchard

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 20, 2012 11:45 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Forensic Experts Overage

Ashden,

Can you detail what the Government has done to resolve this issue with contracting? Can you also provide me with a point of contact that you have been working with at contracting to resolve this issue? If this issue cannot be resolved, it will be raised with COL Lind given the fact that it will impact PFC Manning's right to obtain expert assistance.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
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Providence, RI 02906
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Sent: Friday, April 20, 2012 12:34 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Forensic Experts Overage

Ashden,

Please provide a copy of the current contract based upon the approved funding request. Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 20, 2012 6:44 PM
To: 'David Coombs'; 'Tooman, Joshua J CPT USARMY (US)'
Cc: 'melissa.s.santiago.mil@mail.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Forensic Experts Overage

David,

Please discuss this with CPT Bouchard as the previous military defense counsel responsible for the defense contractor, including managing their services and ensuring they had the authority to work. Mr. Parra explained this to him and Eric Lakes when the issue first came up- that they need to contact contracting to resolve the overage issue.

As for PFC Manning's continued right to expert assistance, there should be no issue. You submitted a request for additional funding, and it was approved. Based on the approvals and current contracts in place, the defense currently has $77,000 available for expert assistance. It is imperative that CPT Tooman (now) tracks the expenditures and ensures the defense experts do not spend more than the United States authorized.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, April 20, 2012 6:48 PM
To: David Coombs; 'Tooman, Joshua J CPT USARMY (US)'
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Forensic Experts Overage

David,

In my email yesterday, I sent the most recent copy, but it does not have the modification. Once we receive a copy, I can send you one. Additionally, the defense experts should also have copies.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Friday, April 20, 2012 6:49 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>
Cc: melissa.s.santiago.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA <arthur.ford@organization.com>
Subject: RE: Forensic Experts Overage

Ashden,

Again, please provide me with a summary of what the Government has done to resolve this issue. Also, please provide me with a point of contact that you have been working with in contracting. This will not be an issue that the Defense is fighting with Government contracts to resolve. This issue must be resolved in the short term or it will impact on PFC Manning's right to expert assistance.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Saturday, April 21, 2012 11:09 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, John L CIV (US) <john.l.ford.civ@mail.mil>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>; edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: Computers

Ashden,

Please start the process of providing EnCase copies of the relevant hard drives to the Defense. Additionally, our experts did not receive a copy of the latest contract.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Saturday, April 21, 2012 5:39 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US); edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: RE: Computers

David,

We will start working on obtaining approvals to turn the drives over. Additionally, we will ensure that the modified contract is sent out to the defense expert and CPT Tooman as the government representative.

v/r
Ashden

From: David Coombs <coombs@armycourtmartialdefense.com>
Sent: Saturday, April 21, 2012 6:35 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@organization.com>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <jodean.morrow@organization.com>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <jeffrey.whyte@organization.com>; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA <alexander.vonelten@organization.com>; Ford, John L CIV (US) <john.l.ford.civ@mail.mil>
Cc: 'Tooman, Joshua J CPT USARMY (US)' <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USARMY (US) <melissa.s.santiago.mil@mail.mil>
Subject: Outstanding Issues

Ashden,

Please respond to the following issues before the end of Monday:

1) Who redacted the FBI discovery and under what standard?

2) What has the Government done to address the contract overage issue since January? Who in contracting has the Government being working with to resolve this issue?

3) You had indicated that you would be providing additional Section III disclosures to the Defense. When will these be provided? Also, why weren't these part of the original Section III disclosures?

4) When does the Government intend to provide hard copies to me at the NWC of the 793 Charged documents?

I intend to address each of the above issues during our next 802.

Best,
David

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From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu] on behalf of Robillard, Socorro A., CIV, NAVWARCOL
Sent: Monday, April 23, 2012 8:29 AM
To: Santiago, Melissa S CW2 USARMY (US)
Cc: coombs@armycourtmartialdefense.com; Gagne, Joyce, CIV, NAVWARCOL; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Your NWC Access

CW2,

Thank you for this message. However, please refrain from sending NWC unencrypted messages that contain Personally Identifiable Information (PII) especially PII in JPAS.

Your SS# is PII and should not be sent unencrypted.

I will look again at your JPAS information, and if JPAS did not show the information we needed for your access, please do the following procedure:

Let your Personnel Security Manager input a Visit Request in JPAS via this SMO Code # 001244. Security Managers should not be printing JPAS information and sending them as attachments via NIPR. All clearances should be sent to JPAS (if component or agency uses JPAS), and in turn the receiving command (us) will just look at JPAS for clearance information.

We are aware that the Dept. of the Army uses JPAS so your Security Manager will be able to input your Visit Request using the SMO Code provided.

FYI - JPAS should reflect your updated clearance, and if JPAS doesn't show it, NWC can only give you unclassified access, so please communicate with your Security Manager.

V/r Corrie

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil

Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

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Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

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>civil and criminal penalties. If you receive this transmission in
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above.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 23, 2012 7:30 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, John L CIV (US)
Subject: RE: Outstanding Issues
Attachments: 120423-Section III Disclosures.pdf

David,

1. For the FBI file, the United States provided the defense with, at a minimum, all information that we determined was discoverable under RCM 701(a)(6) and Brady. Redacted information falls outside RCM 701(a)(6) and Brady.

2. As explained before, Mr. Parra spoke with Eric Lakes and CPT Bouchard about this before the arraignment. Specifically, Mr. Parra spoke with CPT Bouchard on the phone and explained that the military defense counsel, as the government supervisors of the contract must submit a separate request to contracting because they are ultimately responsible for the unauthorized commitment of funds. Additionally, on 8 Feb 12, Mr. Parra spoke with Eric Lakes and CPT Bouchard on the phone and explained that in order to receive the payment for the unauthorized amount, both the military defense counsel and Eric Lakes had to deal directly with the contracting officer who issued the contract. The information is printed on the contract for the contractor and is Sherry L. Carner, (O) 703-696-7105, sherry.carner@us.army.mil. At the end of last week, the contract modification did not occur based on a funding issue; however today contracting is finalizing the modification. We will send the updated contract, once we receive it, but Mr. Lakes will receive a copy before we do. Still as of today, the defense has $35,000 for forensic expert consultation.

3. The United States previously provided all the Section III disclosures up to arraignment. Under our continuing Section III obligation, the United States provides the attached updated disclosures for information produced since arraignment.

4. As per the Court's direction, the United States established a remote office in a government facility for you to work with classified information, including a printer. NWC has a printer available with the standalone classified laptop. As per our arrangement with the NWC, that printer is to be used to print any classified material to minimize couriering of classified material. Along with the printer, NWC is providing the toner or ink, and the prosecution is ready to send any additional supplies, if NWC requests. Please print the material at the government facility to minimize any possible security issues.

5. OCA POC Contact Information. The last OCAs that you should need contact information for are at CENTCOM. Please contact COL Bruce Pagel, Acting SJA, CENTCOM at bruce.pagel@centcom.mil to coordinate any conversations or meetings. This should be the remaining POC contact information. Please let us know whether there are others that you need assistance with obtaining. The United States still has not received a Touhy request for the other Agency, if the defense still intends to submit one.

6. Interim Forensic Reports. Today we delivered to CW2 Santiago a copy of the interim forensic reports (BATES: 00419805-00445503). We also FEDEXed a copy to NWC (Tracking: 798316692805).

v/r

Ashden

From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu] on behalf of Robillard, Socorro A., CIV, NAVWARCOL
Sent: Tuesday, April 24, 2012 9:15 AM
To: Santiago, Melissa S CW2 USARMY (US)
Cc: coombs@armycourtmartialdefense.com; Gagne, Joyce, CIV, NAVWARCOL; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Access good to go!

Chief,

I went to see our Personnel Security Manager today. You are good to go!

Let me know when are you coming so I can take care of your access in NWC compound. I assume you have a CAC card so your Main Gate access is good.

For direction to the college, call NWC Quarterdeck 401-841-1310
My office number is written below.

V/r Corrie

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil

Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 25, 2012 7:14 PM
To: 'coombs@armycourtmartialdefense.com'
Cc: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: Re: Addendum to Protective Order

David, we have been working on this as per our chat. Don't think it is necessary.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, April 25, 2012 7:14 PM
To: 'coombs@armycourtmartialdefense.com'
Cc: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: Re: Addendum to Protective Order

David, we have been working on this as per our chat. Don't think it is necessary.

From: coombs@armycourtmartialdefense.com
Sent: Thursday, April 26, 2012 11:39 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Re: 380-5

Please send the photos of my client
Sent from my Verizon Wireless BlackBerry

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, April 30, 2012 8:44 PM
To: Williams, Patricia CIV JFHQ-NCR/MDW SJA
Cc: 'David Coombs'; 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Appellate Exhibits
Attachments: RE: 380-5; 380-5

Ms. Williams,

Attached are the two emails the MJ referenced during our last session (Thursday morning). She asked counsel if we had printed and had marked as appellate exhibits, and we both answered no. Please add these. Thank you!

v/r
MAJ Fein

From: Tooman, Joshua J CPT USARMY (US) <joshua.j.tooman.mil@mail.mil>
Sent: Monday, April 30, 2012 8:46 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA <ashden.fein@organization.com>
Subject: Automatic reply: Appellate Exhibits

I will be out of the office until Thursday, 3 May due to a family emergency. If you need immediate assistance please contact Mr. Eddie Young at 913-684-1866. Thank you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 01, 2012 9:11 AM
To: Robillard, Socorro A., CIV, NAVWARCOL; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Cc: David Coombs; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: May 14-18, 2012

Corrie,

Thank you! We will be sending a copy of all the charged documents this week.

v/r
MAJ Fein

From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]
Sent: Tuesday, May 01, 2012 9:10 AM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Cc: David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: May 14-18, 2012

Chief,

FYI - I'll be attending the Dept. of the Navy Security Seminar on May 14-18, 2012 in VA. Please try not to send any materials on that week. I already informed Mr. Coombs the first time we met about this schedule, and he is aware that any transmission (if any) on his part, has to be done before or after May 14-18, 2012.

V/r Corrie

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil

Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 01, 2012 9:43 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Cc: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US); joshua.j.tooman.mil@mail.mil
Subject: RE: May 14-18, 2012

Ashden,

Thank you for taking care of this issue for the Defense.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 01, 2012 9:45 AM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Santiago, Melissa S CW2 USARMY (US); joshua.j.tooman.mil@mail.mil
Subject: Contract POC

CW2 Parra,

Can you provide me with the POC on the overage issue? Based upon our conversation, it should only take a memorandum from CPT Tooman to explain the reason for the overage. I want to speak with the POC to ensure our memorandum adequately addresses the issue.

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
coombs@armycourtmartialdefense.com <mailto:coombs@armycourtmartialdefense.com>

www.armycourtmartialdefense.com <http://www.armycourtmartialdefense.com/>

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From: Eric Lakes [edl@ecyberagents.com]
Sent: Tuesday, May 01, 2012 9:47 AM
To: David Coombs; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Santiago, Melissa S CW2 USARMY (US); joshua.j.tooman.mil@mail.mil
Subject: re: Contract POC

We also have not received a new contract to be able to bill against Trent's last trip there.

Thanks

Eric Lakes
Digital Forensic Examiner
Certified Computer Examiner (CCE)
Certified Homeland Security - III
MCSE, MCP+I, MCP, Network Plus, A+
Cyber Agents, Inc.
http://www.cyberagentsinc.com
616 Pasadena Drive
Lexington, KY 40503
cell - 859.983.6655
land line - 859.523.9081or 9082

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 01, 2012 10:01 AM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Santiago, Melissa S CW2 USARMY (US); joshua.j.tooman.mil@mail.mil
Subject: New Contract

CW2 Parra,

On a separate issue, Mr. Lakes has not receive a copy of the new contract in order to bill for the last trip done by Mr. Struttmann. I recall you mentioning that you had some issues with the contract approval. Please provide a copy of the contract as soon as you can. Thank you.

Best,

David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 01, 2012 12:44 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Cc: joshua.j.tooman.mil@mail.mil
Subject: Forensic Report

Ashden,

Can you provide me with the Bates # for the forensic report dealing with Mr. Katz's computer? Thank you.

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

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From: Williams, Patricia CIV JFHQ-NCR/MDW SJA
Sent: Tuesday, May 01, 2012 12:59 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: 'David Coombs'; 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Appellate Exhibits (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Good Afternoon All -

Per MAJ Fein's Email request below, the items have been marked as follows:

CDC's Email - AE LXXXIII (83)
TC's Email - AE LXXXIV (84)

V/R,
Trisha

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 01, 2012 1:22 PM
To: edl@cyberagentsinc.com; David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Santiago, Melissa S CW2 USARMY (US); joshua.j.tooman.mil@mail.mil
Subject: RE: Contract POC (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

David,

As per our previous discussion and stated in your e-mail, it would be your government representative (defense counsel) who must contact the contracting officer to address the issues with the unauthorized commitment of funds. I'm not totally sure if just a memorandum will address all the issues or concerns the contractor may have. I would suggest you get all guidance and way forward from them to avoid future complications. The POC for this issue is: Sherry L. Carner at 703-696-7105 or sherry.carner@us.army.mil. As far as the modification of the current contract is concerned, the contracting office is working in issuing the contract as soon as possible. However, the modification of this contract should not prevent your experts in submitting an invoice for the last trip, as money still available under the current contract, which they can bill against in WAWF. If you have any questions please feel free to contact me at your earliest convenience.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 3:02 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Update

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

David,

Please see below for an update.

1. Charged Documents. We have prepared copies of the charged documents and are waiting to hear back from Corrie at the NWC prior to sending. Once we receive the green light for shipment, we will overnight-FEDEX the documents.

2. (U//LES) JRCF. Your client is moving back to the JRCF today. What day and time would you like him at the FGGM TDS office before the next hearing?

3. Forensic Images. We are working to receive copies of the forensic images and files so that the security experts can review the material. Once that is complete, then we will submit the request(s) for disclosure of the material.

4. Contracting. As Mr. Parra explained in his email, your experts can continue working up to the limit explained in the spreadsheet in my previous email. He is working to have contracting finalize the modification for the recent approval over $35,000.

5. Katz Report. CID executed an AIR (BATES: 00410690 - 00410692) and FBI executed a document (BATES: 00417785-00417788).

6. TDS Support or Requirements. Based on the Summer turnover, are there any personnel, resourcing, or support the defense needs from the prosecution/command, including an attorney(s), legal administrator(s), or paralegal(s)? If so, please provide us a request NLT 15 May 12, so we can start working with the command, TDS, PPTO, or whomever else is required.

7. Viewing of Assessments & Other Documents. We are working to finalize any approvals we must have for full or limited disclosure of material pursuant to the Court's order. In the case that information will be made available for inspection, you mentioned in chambers that you would prefer to come earlier or stay later in the DC area around the next hearing to review the documents. Is this still your preference, rather than flying down on or after the 18th?

Thank you.

v/r
Ashden

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

From: Williams, Patricia CIV JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 4:25 PM
To: 'David Coombs'; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Cc: Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: Updated Exhibit Lists (UNCLASSIFIED)
Attachments: New Format Exhibit List, 2 May 2012.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

Good Afternoon All -

Attached is the most current AE list with the footers requested by the trial counsel & corresponding alpha-numeric annotations to ease with identification. Per Chief Ford's request, the font has been changed to Times New Roman in order to be compatible with all computers and printers.

Once again, please destroy all previous versions of the AE list, as I will be using this format from this point forward. Have a wonderful day!

V/R,
Trisha

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 02, 2012 5:18 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; ashden.fein@us.army.mil
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Ashden,

1. Thank you. I believe that as long as the information arrives before Friday the 4th, that will work for Corrie.

2. I would like to have PFC BM brought to the Fort Meade TDS office at 1330 on 5 Jun. He can be returned to the JRCF any time after 8 Jun.

3. Thank you.

4. Please keep me posted on the approval of the new contact. Once this is approved, I am confident that our experts' expenses will not go over the approved amount.

5. Thank you.

6. You should have the IMC request for MAJ Hurley. Can you tell me when this will be taken to the CA? Also, the Defense will need a replacement for CW2 Santiago. She is currently due to start out-processing on 25 June. I would like to have a replacement for her by the first part of June so that we could have some overlap.

7. This will depend on what is being made available and the quantity. Depending upon the nature of what is being made available, I may want to come down on the 18th or the following week. When do you think you could tell me generally what will be made available?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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www.armycourtmartialdefense.com

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From: Sweetland, Elizabeth LTC USARMY (US) [elizabeth.sweetland.mil@mail.mil]
Sent: Wednesday, May 02, 2012 11:40 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; 'David Coombs'
Cc: Tooman, Joshua J CPT USARMY (US); Walden, Alexander L CW3 MIL USA OTJAG; Cremin, Mark COL MIL USA OTJAG; Hurley, Thomas F MAJ MIL USA OTJAG
Subject: IMC of MAJ Hurley
Attachments: IMC Hurley approve.pdf; Manning IMC Request.pdf

Gentlemen:

COL Cremin recommends approval of PFC Manning's request to IMC MAJ Hurley. See enclosed memo signed by me per his voco.

v/r,

LTC Liz Sweetland
Executive Officer, TDS
Office: (703) 693-0283
Fax: (703) 806-0660
DSN 223-0283
elizabeth.arnold@us.army.mil

"Send lawyers, guns and money." (Warren Zevon)

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 5:46 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

David,

Apparently our flood gates opened and we are receiving emails. I just received the IMC request and will acknowledge that email afterwards. As for #7, I expect to have better clarity at the end of next week.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 5:46 PM
To: Sweetland, Elizabeth LTC MIL USA OTJAG; 'David Coombs'
Cc: Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); Walden, Alexander L CW3 MIL USA OTJAG; Cremin, Mark COL MIL USA OTJAG; Hurley, Thomas F MAJ MIL USA OTJAG
Subject: RE: IMC of MAJ Hurley

Ma'am,

Acknowledge receipt and MDW will start processing.

v/r
MAJ Fein

From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]
Sent: Wednesday, May 02, 2012 7:01 AM
To: Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; coombs@armycourtmartialdefense.com
Subject: RE: FEDEX Shipment (UNCLASSIFIED)

SGT,

I won't be in on Friday, May 4, 2012, so it's best to send it before that day. I will have a chance to control them before issue.

V/r Corrie

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil

Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

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above.

From: Hurley, Thomas F MAJ USARMY (US) [thomas.f.hurley4.mil@mail.mil]
Sent: Wednesday, May 02, 2012 5:48 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Automatic reply: IMC of MAJ Hurley

I am currently TDY and will not return to my office until 3 May 2012. I have no remote access to email messages.

You can email me at thomashurley1@me.com.

If you need to contact DCAP, please call or email CPT Aaron Ralph or CPT Desiree Helmick.

Tom Hurley

MAJ, JA

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 1:27 PM
To: ts@cyberagentsinc.com; David Coombs; 'Tooman,Joshua J CPT MIL US USA TRADOC'
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Cyber Agents Invoice for April Review (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Eric,

This invoiced is not acceptable and it violates the terms of the contract. You are to be paid by the hour, as stated in your contract, so you MUST submit and invoice to the government that accounts for hours worked during specific dates. Additionally, you cannot claim/get reimbursed for travel dates. You and your associate are getting all travel expenses paid and per diem provided for by the US government. I would not approve any payments unless the invoice is by billable hours. If you have any questions please feel free to contact me at your earliest convenience.

David,

Please ensure that all invoices are submitted to you and CPT Tooman for accuracy before they are provided to me for payment. Thank you!

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: Trent Struttmann [ts@cyberagentsinc.com]
Sent: Thursday, May 03, 2012 2:57 PM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; ts@cyberagentsinc.com; David Coombs; Tooman,Joshua J CPT MIL US USA TRADOC
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Cyber Agents Invoice for April Review (UNCLASSIFIED)

Excellent, I see you reference the contract and terms in this email, please forward it.

Thanks,
Trent

Cyber Agents, Inc.
616 Pasadena Dr
Lexington, KY
Office: +1 859 523 9081
Mobile: +1 859 368 2040
http://www.cyberagentsinc.com/

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 3:04 PM
To: ts@cyberagentsinc.com; David Coombs; Tooman,Joshua J CPT MIL US USA TRADOC
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Cyber Agents Invoice for April Review (UNCLASSIFIED)
Attachments: W91QF7-12-P-0031.doc

Classification: UNCLASSIFIED
Caveats: FOUO

Trent,

I have sent this contract multiple times in the past. Please keep copies of it to ensure you reference it in order to avoid future complications. By the way, the contract is the same as it was before. The pending modification to the contract has not been delivered to me by the contracting office.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]
Sent: Thursday, May 03, 2012 3:23 PM
To: daniel.waybright@us.army.mil
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; coombs@armycourtmartialdefense.com
Subject: Material arrived May 3, 2012

FYI to all:

I will count the pages of the materials that I just received, and then I will issue it to Mr. Coombs. It might take a while because the pages are not numbered. I won't be in tomorrow so I will start the page counting on Monday.

V/r Corrie

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil

Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

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above.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 4:15 PM
To: Robillard, Socorro A., CIV, NAVWARCOL; daniel.waybright@us.army.mil
Cc: coombs@armycourtmartialdefense.com
Subject: RE: Material arrived May 3, 2012

Corrie,

Thank you. If you look at the bottom left of the pages, they have what we call BATES numbers. These are unique numbers for each page in our discovery process. Additionally, because these are "charged documents" they have titles with sequential numbers on the top left.

v/r
Ashden

From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]
Sent: Thursday, May 03, 2012 7:00 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; daniel.waybright@us.army.mil
Cc: coombs@armycourtmartialdefense.com
Subject: RE: Material arrived May 3, 2012

Ashden,

I will take a look at it and will figure it out on Monday. I will count all the pages and assign the whole box of document under one Control Number. This will make it easier for my semi-annual inventory on June.

V/R Corrie

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 04, 2012 3:58 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update
Attachments: 120504-GCMCA Approval IMC Request.pdf

David,

Attached is the GCMCA's approval for the IMC request. As for CW2 Santiago's planned departure- is the defense requesting a legal administrator to replace her or a paralegal, or both?

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 04, 2012 4:17 PM
To: 'Tooman, Joshua J CPT USARMY (US)'
Cc: David Coombs; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR \MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: FW: W91QF7-12-P-0031 P0001 (UNCLASSIFIED)
Attachments: 12-P-0031-P01.doc

Importance: High

Josh,

Attached is the modified contract for your computer forensic experts. This was sent to CyberAgents today with very specific instructions on what the contractor must complete for US Army Contracting. Please see the below email and ensure they comply. Thank you.

v/r
MAJ Fein

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Friday, May 04, 2012 4:22 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean. CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Ashden,

Thank you.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]
Sent: Friday, May 04, 2012 4:26 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: David Coombs; Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR \MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: W91QF7-12-P-0031 P0001 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Roger, sir.

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Monday, May 07, 2012 1:12 PM
To: edl@cyberagentsinc.com; ts@cyberagentsinc.com
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs; Tooman,Joshua J CPT MIL US USA TRADOC
Subject: FW: W91QF712P0031\ \4BTY1\ \COMBO\00001\USVMANNINGAPRIL\W74N84\ \Submitted (UNCLASSIFIED)
Attachments: RE: Cyber Agents Invoice for April Review (UNCLASSIFIED) (8.52 KB)

Classification: UNCLASSIFIED
Caveats: NONE

Eric/Trent,

I received a receiving report entered into WAWF requesting payment for the April hearing/travel. I have not received the requested invoice from your company which details the work performed by the hour and the dates worked, as stated in the contract and the modification, during the month of April. If you have any questions please feel free to contact me at your earliest convenience. Thank you!

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
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From: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 07, 2012 1:47 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: lesser-included offenses (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

Based on recent case law and the drafting of the specifications in this case, the government is tracking and plans to propose the following as possible lesser-included offenses in this case:

Specifications 2, 3, 5, 7, 9, 10, 11, and 15 of Charge II [18 USC 793(e) offenses]

- Clauses 1 and 2 of Article 134, UCMJ
- Attempt

Specifications 4, 6, 8, 12, and 16 of Charge II [18 USC 641 offenses]

- Clauses 1 and 2 of Article 134, UCMJ
- Attempt
- Value of property less than $1000

Specifications 13 and 14 of Charge II [18 USC 1030(a)(1) offenses]

- Clauses 1 and 2 of Article 134, UCMJ
- Attempt

This analysis presumes we have raised some evidence during trial on all the elements, particularly in the case of attempts. If you have additional thoughts, if you feel there is some common ground, or if you don't think there is any common ground, let us know as soon as you can. If there is common ground, we can discuss a way forward. Thanks.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow@jfhqncr.northcom.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED
Caveats: NONE

From:	Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent:	Monday, May 07, 2012 2:52 PM
To:	ts@cyberagentsinc.com; edl@cyberagentsinc.com; Tooman,Joshua J CPT MIL US USA TRADOC
Cc:	David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US)
Subject:	FW: FW: W91QF712P0031\ \4BTY1\ \COMBO\00001\USVMANNINGAPRIL\W74N84\ \Submitted (UNCLASSIFIED)
Attachments:	Invoice for evidence review April 2012.xls; Cyber Agents Invoice for April Review (35.3 KB); RE: Cyber Agents Invoice for April Review (UNCLASSIFIED) (8.52 KB)

Classification: UNCLASSIFIED
Caveats: NONE

Eric/Trent,

This invoice is still not compliant with the requirements under the contract you agreed to with the government. As previously stated in my e-mail, the government will not pay you for traveling expenses as this is already provided to you by the government IAW JFTR. Additionally, this invoice needs to be broken down by the dates accounting for every hour worked (i.e. 18 April - 5 hour at $175 = $875.00). After all your dates and hours have been accounted for please submit your invoice to CPT Tooman or CW2 Santiago so that they will be able to verify your invoice for accuracy. Then, CW2 Santiago or CPT Tooman will submit the invoice on your behalf to the government for payment. TDS is responsible for ensuring that your work and hours are properly documented. Ensure that on future invoices travel days are not included as they are paid separate by DTS (Defense Travel System). I will not approve any payment unless your invoices are accurate and meet the requirements of the contract and JFTR.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
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(931) 572-7632 - Cell

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From:	Trent Struttmann [ts@cyberagentsinc.com]
Sent:	Monday, May 07, 2012 4:23 PM
To:	Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; ts@cyberagentsinc.com; edl@cyberagentsinc.com; Tooman,Joshua J CPT MIL US USA TRADOC
Cc:	David Coombs; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US)
Subject:	re: FW: FW: W91QF712P0031\ \4BTY1\ \COMBO\00001\USVMANNINGAPRIL\W74N84\ \Submitted (UNCLASSIFIED)
Attachments:	New Contract executed.pdf

Attached is the new contract, signed.

Trent

Cyber Agents, Inc.
616 Pasadena Dr
Lexington, KY
Office: +1 859 523 9081
Mobile: +1 859 368 2040
http://www.cyberagentsinc.com/

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Monday, May 07, 2012 5:53 PM
To: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: lesser-included offenses (UNCLASSIFIED)

Joe,

Thank you for sending me this information. Since I had not heard anything on this issue, I did not believe that the Government wanted to work together on the LIOs.

With the exception of value of less than $1,000 for the 641 offense, I don't agree with the Government's purposed LIOs. Thus, I don't believe we really have any common ground. The Defense will be filing a motion on Thursday for our requested LIOs. Pursuant to the Court's determination that paragraph 1-21 of AR 380-5 is punitive, the Defense will argue that Article 92 is an LIO for each of the 793 offenses.

Let me know if you have any questions.

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
coombs@armycourtmartialdefense.com

www.armycourtmartialdefense.com <http://www.armycourtmartialdefense.com/>

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From: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 07, 2012 6:15 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: lesser-included offenses (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

No problem. Sorry we didn't reach out sooner.

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow@jfhqncr.northcom.mil
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

From: Robillard, Socorro A., CIV, NAVWARCOL [socorro.robillard@usnwc.edu]
Sent: Tuesday, May 08, 2012 9:01 AM
To: coombs@armycourtmartialdefense.com
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Ready for issue

Dave,

Box of material is ready for issue as well as the one (1) CD that came a few weeks ago.

Let me know when you can come in.

V/r Corrie

Ms. Socorro Robillard
(Information Security Specialist)
Classified Material Control Officer
NATO Sub-registry Control Officer
SIPR address: cmco@nwc.navy.smil.mil

Naval War College
DSN: 841 3381
Comm: (401) 841-3381
E-mail: socorro.robillard@usnwc.edu

"THE HUMAN THREAT TO NATIONAL SECURITY:
Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

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>error, please notify the sender at the telephone number or e-mail
>address
above.

From: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 08, 2012 11:15 AM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: lesser-included offenses (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

In our motion for proposed LIOs, I intend to proffer that the United States and Defense agree on the 18 USC 641 LIO (value less than $1000). Any issue with including that in our motion?

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow@jfhqncr.northcom.mil
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 08, 2012 1:10 PM
To: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ MIL USA OTJAG
Subject: RE: lesser-included offenses (UNCLASSIFIED)

Joe,

Thank you for giving me the heads up on the intended proffer. Although I believe that the less than $1,000 offense may be an LIO, I am not for sure if that is the case. As such, I request that you do not state in your motion that the Defense agrees. I intend to conduct some research on whether possible LIOs to a federal offense under federal law, become LIOs when brought under Clause 3 of Article 134. Once I am able to verify the right answer, we can discuss this issue again. Does that make sense?

Best,
David

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Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 08, 2012 1:13 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ MIL USA OTJAG
Subject: RE: lesser-included offenses (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

That makes sense. I'll leave the issue alone for now and wait for clarification of your position. Thanks.

CPT Joe Morrow
Trial Counsel
U.S. Army Military District of Washington
Phone: 202-685-1975
NIPR: jodean.morrow@jfhqncr.northcom.mil
SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 08, 2012 2:23 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Ashden,

I am sorry that I did not reply to this sooner. The Defense is requesting another legal administrator. Let me know if you have any other questions.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 08, 2012 2:39 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Thank you.

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 08, 2012 5:12 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: David Coombs; Santiago, Melissa S CW2 USARMY (US); Hurley, Thomas F MAJ MIL USA OTJAG; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Billing for Computer Forensic experts (UNCLASSIFIED)
Attachments: FW: Billing for Computer Forensic experts (UNCLASSIFIED) (40.6 KB); re: FW: W91QF712P0031\\4BTY1\\COMBO\00001\USVMANNINGAPRIL\W74N84\\Sub... (46.6 KB); Cyber Agents Invoice for April Review (35.3 KB)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Per our conversation today, I need someone in the defense team to verify and validate the current invoice submitted. I have received three different invoices, all for the same trip in April, that have variances in information for hours of worked performed and different amounts claimed. Given the discrepancies, I do not feel like at ease with the invoice(s) and I must ensure that government funds are properly accounted for and verified by a government representative prior to payment. Please determine why we have discrepancies in hours worked and amounts claimed during the April trip. Remember the contractors are not allowed to claim travel expenses as they are being paid to travel by the US government under the Defense Travel System.

Ultimately, it is the defense team who must validate every hour the contractors are working. Because we have received three different accountings by your experts, please submit a signed memorandum that lays out the exact work your experts performed by day and hour, with the total. From this point forward, their bills will not be paid until they input their information in WAWF and we receive a signed memorandum from a government representative (TDS counsel) which attests to the actual work they performed. If you have any questions please let me know. Thank you!

v/r,

JP

Jairo A. Parra
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(931) 572-7632 - Cell

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From: Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]
Sent: Thursday, May 10, 2012 5:31 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Automatic reply: Government Phase 2(b) Motion

I will be TDY at Fort Knox, Kentucky 10 May-12 May. I will return to the office on Monday, 14 May. If you need immediate assistance please contact Mr. Eddie Young at 913-684-1866. Thank you.

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Monday, May 14, 2012 11:28 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US); Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Protective Orders

MAJ Fein,

Please send MAJ Hurley any protective orders that you would like for him to sign in order to have access to the unclassified and classified information. Additionally, I would like to provide MAJ Hurley with a labeled version of the unclassified information. The Defense has taken the unclassified discovery that was provided to us with just bates numbers, and individually labeled each item in order to easily identify the document.

In order to provide MAJ Hurley with a copy, I will need to burn separate CDs of the unclassified labeled discovery. I wanted to make sure that the Government did not have any issues with me doing so. If you do, please let me know what the issues are so that we can resolve them together or with COL Lind. Thank you.

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
coombs@armycourtmartialdefense.com <mailto:coombs@armycourtmartialdefense.com>

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 14, 2012 11:30 AM
To: David Coombs; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US); Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

David,

We will start working on it immediately.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Monday, May 14, 2012 11:44 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

MAJ Fein,

We would like to start the process today of making copies of the unclassified labeled discovery. Does the Government have any issue with this being done?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 14, 2012 11:49 AM
To: David Coombs; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

David,

We have no issue with this being done, so long as it does not violate the protective orders. I assume the defense has reviewed the protective orders and determined it does not violate them. We need time to review them for ourselves to confirm that interpretation.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Monday, May 14, 2012 11:53 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

MAJ Fein,

I have reviewed the protective order, and don't see any issue with making the copies for Defense purposes. However, I wanted to make sure that the Government concurs before doing so. In the end, if you don't concur, we can simply go to COL Lind to amend the protective order. Let me know. Thanks.

Best,
David

David E. Coombs, Esq.
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Providence, RI 02906
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 14, 2012 12:21 PM
To: David Coombs; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

David,

We will try to get you an answer by later this afternoon. Currently, all of us are engaged in other matters, but we should have time to review all the protective orders to give you an answer today.

v/r
Ashden

From: coombs@armycourtmartialdefense.com
Sent: Monday, May 14, 2012 12:37 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Re: Protective Orders

Thank you.
Sent from my Verizon Wireless BlackBerry

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 9:15 AM
To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Cc: 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders
Attachments: 11SW89.pdf; 11SW94.pdf; 100728-GCMCA Protective Order.pdf; 100917-SPCMCA Protective Order for Classified Information.pdf; 110622-SPCMCA Protective Order for LES Information.pdf; 110622-SPCMCA Protective Order for SecArmy 15-6.pdf; 120316-Order (Protective Order Classified Information).pdf; Acknowledgment of Protective Order - SecArmy 15-6.pdf; Acknowledgment of Protective Order - Sensitive Info.pdf; Acknowledgment of Protective Order - SPCMCA Classified Information.pdf; 10-330-M-01-Order to Seal.pdf; 10GJ3793.pdf; 10GJ3793-11EC1.pdf; 10GJ3793-11EC3.pdf; 10GJ3793-11EC9.pdf; 10GJ3793-RNK.pdf; 10-M- 1108-Search warrant NY.pdf; 10SW396.pdf; 10SW464.pdf; 10SW576.pdf; 10SW652.pdf; 11EC55.pdf; 11EC56.pdf; 11EC131-MIT.Eric Schmiedl Email.pdf; 11MAG841 (Katz).pdf; 11SW47.pdf

David,

I apologize for not getting back to you by COB yesterday. We have gone through the protective orders and agree that there is no prohibition for making copies (hard copy or digital) of UNCLASSIFIED documents and providing them to MAJ Hurley, so long as he signs all the acknowledgments from the military and federal orders prior to receiving the information and sends us copies of the acknowledgments.

Attached are the protective orders and their acknowledgments.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 15, 2012 9:32 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Cc: 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders
Attachments: MAJ Hurley MOU.pdf

MAJ Fein,

Thank you for getting back with me on this issue. MAJ Hurley has reviewed the Court Order and signed the MOU. I have attached his MOU for your records. He will review and sign the other protective orders and provide them to you. Aside from these protective orders, is there anything else that the Government needs from MAJ Hurley prior to permitting him to have access to classified/unclassified information?

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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coombs@armycourtmartialdefense.com
www.armycourtmartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 9:40 AM
To: David Coombs; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Cc: 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders

David,

We verified his clearance, therefore he is good to go to access the classified information; however he needs to check with his security manager to ensure his TS clearance does not expire because his periodic investigation is due this year. Once we receive the acknowledgments for the unclassified information, then he will be good to go, without any further requirements.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 11:42 AM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonEllen, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Discovery

David,

Last night we FEDEXed unclassified material to your office (tracking: 798395424715). We have classified material and will FEDEX it to the NWC on Monday, once Corrie returns. We intend to deliver a copy of the unclassified and classified material to Fort Myer this afternoon.

The information includes various unclassified attestation documents, CID MFRs, and damage assessments (BATES: 00447092-00447392); classified FBI documents (BATES: 00445504-00447091); and various classified damage assessments (BATES: 00447393-00447439).

V/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 15, 2012 1:40 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery

MAJ Fein,

I received the unclassified CD, and was able to review all of the documentation. With regards to the unclassified damage assessment emails, bates 00447381 - 00447392, what are the dates for these emails?

Once Ms. Robillard notifies me that she has received the classified CD, I will go to the NWC and review that information. I will let you know if I have any issues with the CD.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
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Toll Free: 1-800-588-4156
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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 15, 2012 3:09 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Discovery

MAJ Fein,

Do you have any update on the DoS Touhy request?

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 3:14 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA
Cc: 'Tooman, Joshua J CPT USARMY (US)'; Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Discovery

David,

We asked this morning and they should be getting back to us in the next day or two with an update.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 3:20 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonEllen, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery

David,

We received all the damage assessment emails over the past few weeks and if we are producing them in this batch, then we received approval to turn them over in the period between our last production and yesterday. As we continue to receive assessments and their approvals, we will continue to produce them as soon as practicable, until all of them have been produced.

V/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 15, 2012 3:25 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery

MAJ Fein,

Could you unredact all the dates associated with these emails? Bates 00447381 indicates that it was sent on 27 February 2012. I would like dates for all of the other emails. Thank you.

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 3:35 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery

David,

We will review the instructions we received from the organizations and assess whether we can add the dates back in. If it's not an issue (which I don't think it will be), then we will reproduce the documents.

v/r
Ashden

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 16, 2012 8:25 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US); Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Billing for Computer Forensic experts (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

The invoice is in the correct format required by the contract. However, as previously stated in my e-mail and to avoid any discrepancies, please send a memorandum/e-mail that states that Trial Defense Services has verified, and accounted for, all the hours claimed/worked and that the invoice is accurate. As stated in the contract, it is the sole responsibility of a government TDS representative to provide direct supervision and management of the experts. Having a TDS government representative accept responsibility/liability will avoid future issues and any discrepancies going forward. If you have any question please let me know. Thank you for your understanding!

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 16, 2012 8:35 AM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USARMY (US)'
Cc: Hurley, Thomas F MAJ USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Billing for Computer Forensic experts (UNCLASSIFIED)

Chief,

Is the Government's requirement that Trial Defense Services submit a memorandum along with any invoice a requirement in all cases or just in this case? If it is just in this case, please explain the basis for this requirement.

Why do you believe that the memorandum should require a TDS counsel to "accept responsibility/liability" for invoices? I understand having a requirement that a defense counsel directs and manages our experts in the work that they need to perform, but that is something separate from accepting liability for any accounting issues. Can you elaborate on what you mean by "responsibility/liability?" Is this requirement something that has been staffed through TDS or blessed off by OTJAG Criminal Law?

Best,

David

David E. Coombs, Esq.

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From: Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]
Sent: Thursday, May 17, 2012 9:09 AM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US); Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Billing for Computer Forensic experts (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Chief Parra

TDS has verified the hours invoiced. When do you expect that it will be processed?

Have you had a chance to look into David's questions from yesterday?

Thanks for your help!

v/r
CPT T

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 17, 2012 9:19 AM
To: Tooman, Joshua J CPT USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US); Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Billing for Computer Forensic experts (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I did and will reply to him shortly. Thank you!

v/r,

JP

Jairo A. Parra
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jairo.parra@jfhqncr.northcom.smil.mil
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(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 18, 2012 7:11 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Discovery

David,

We sent a FEDEX tonight (tracking: 7935 8498 7499) with unclassified damage assessment emails with the un-redacted dates, as per your request. We also sent discoverable grand jury testimony.

On Monday, once we confirm Corrie is available to receive classified mail at the NWC, we will send the remaining portions of the FBI file and other classified material to you, including copies of the material we delivered to CW2 Santiago on Tuesday (FBI documents and various classified damage assessments).

Finally, as per today's filing, please let us know when members of the defense team would like to inspect the State Department draft damage assessment, and we will coordinate the inspection. Please ensure you have your security experts present and courier bags for any notes.

Have a good weekend.

v/r
Ashden

From: Hurley, Thomas F MAJ USARMY (US) [thomas.f.hurley4.mil@mail.mil]
Sent: Monday, May 21, 2012 9:39 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Protective Orders (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Fein

Are there any other protective orders or anything like that that I need to sign in order to become fully mission capable on US v. Manning?

I've signed the First Judicial Circuit's MOU.

Thanks.

Tom Hurley

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 9:54 AM
To: Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Protective Orders (UNCLASSIFIED)

MAJ Hurley,

I just responded by separate email. Please confirm receipt.

Thank you.

v/r
MAJ Fein

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 9:53 AM
To: Hurley, Thomas F MAJ USARMY (US)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: FW: Protective Orders
Attachments: 11SW89.pdf; 11SW94.pdf; 100728-GCMCA Protective Order.pdf; 100917-SPCMCA Protective Order for Classified Information.pdf; 110622-SPCMCA Protective Order for LES Information.pdf; 110622-SPCMCA Protective Order for SecArmy 15-6.pdf; 120316-Order (Protective Order Classified Information).pdf; Acknowledgment of Protective Order - SecArmy 15-6.pdf; Acknowledgment of Protective Order - Sensitive Info.pdf; Acknowledgment of Protective Order - SPCMCA Classified Information.pdf; 10-330-M-01-Order to Seal.pdf; 10GJ3793.pdf; 10GJ3793-11EC1.pdf; 10GJ3793-11EC3.pdf; 10GJ3793-11EC9.pdf; 10GJ3793-RNK.pdf; 10-M- 1108-Search warrant NY.pdf; 10SW396.pdf; 10SW464.pdf; 10SW576.pdf; 10SW652.pdf; 11EC55.pdf; 11EC56.pdf; 11EC131-MIT.Eric Schmiedl Email.pdf; 11MAG841 (Katz).pdf; 11SW47.pdf

MAJ Hurley,

Thanks for the email this morning. Please review all of these protective and disclosure orders. The federal orders require your initials on the documents and the others have acknowledgments.

Thank you!

v/r
MAJ Fein

From: Hurley, Thomas F MAJ USARMY (US) [thomas.f.hurley4.mil@mail.mil]
Sent: Monday, May 21, 2012 11:28 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Protective Orders (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Fein

I got them. Thanks.

MAJ Hurley

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Monday, May 21, 2012 6:08 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: Grand Jury Discovery

Ashden,

I received two discs from the Government today. One of the discs had Grand Jury testimony. As I looked through the documents, I noticed that it only dealt with three witnesses and was heavily redacted (about 95%). What was the standard used for determining the redactions? Was the information provided intended to be Brady? Can you tell me if the Government intends to produce any additional Grand Jury testimony? If so, when?

Finally, you indicated in your 18 May memorandum that the Government would be delivering to the Defense forensic results and investigative files from the FBI and CIA today. Have you done so?

Best,

David

David E. Coombs, Esq.
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www.armycourtmartialdefense.com <http://www.armycourtmartialdefense.com/>

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 7:06 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Grand Jury Discovery

David,

Good afternoon.

1. Grand Jury testimony. What you have received is all the testimony that is favorable to the accused and material to either guilt or punishment.

2. Delivery of Documents. Ms. Robillard was not in the office until today and will accept delivery tomorrow (details below). This morning, we attempted to deliver the material to CW2 Santiago, but she is out until Thursday.

3. We sent the below discovery through FEDEX (Tracking: 7984 1755 7784) to the NWC.

Disk 1: BATES 00445504 - 00447091: FBI files; BATES: 00447393 - 00447439: Various damage assessments

Disk 2: BATES 00447440 - 00447666: FBI Files

Disk 3: BATES 00447818 - 00447848: Classified damage assessments from various agencies and other documents pursuant to the government's filing on Friday

Disk 4: BATES 00447407 - 00447439: Reproduction of two classified damage assessments with changed redactions, as per your request

In abundance of caution, the prosecution directs your attention to BATES 447623-447624 based on its apparent exculpatory nature; thus, we highlight this information as potential Brady material under RCM 701(a)(6).

The 4 classified disks listed above and the unclassified discovery that we had delivered to your office today are ready to be delivered to Ft Myer. Once CW2 Santiago returns, we will deliver the information.

Please confirm receipt of this email.

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Monday, May 21, 2012 7:13 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Grand Jury Discovery

Ashden,

Thank you. A couple points of clarification:

1) It appears that you are saying that the Government will not be producing any additional Grand Jury testimony. Is this correct?

2) Have you identified a replacement for CW2 Santiago? If so, when will this person be provided to the defense?

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 9:31 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Grand Jury Discovery

David,

1. You are correct. The three transcripts are the only transcripts that we found material that are favorable to the accused and material to either guilt or punishment, thus we are not producing any additional transcripts.

2. CW2 Santiago's replacement. I know that was being worked by TDS, but I will try to get an update tomorrow.

Have a good night.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 22, 2012 10:39 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: DOS Damage Assessment

Ashden,

In your notice memorandum you state that "the prosecution requests the defense provide four duty days notice before each time they would like to inspect the document, so that the proper facility and government security expert may be made available." The Defense intends to object to four duty days as being reasonable notice. However, since we will not be able to address this issue before the next motions hearing, the Defense requests access to the DOS document at 0930 on 5 June 2012.

Under MRE 505(g)(1), the Government must request the military judge to set the conditions of the protective order. MRE 505(g)(1) states that a protective order can "require controlled access to the material during normal business hours and at other times upon reasonable notice." In other words, the Defense should be able to gain access to the DOS document anytime during normal business hours and during non-business hours upon reasonable notice. Four days advanced notice is unreasonable. Presumably, you have a copy of the document at your office. If this is the case, why would it be problematic to have access in one of the Government's offices?

Finally, can you elaborate on the "government security expert" requirement that you propose? Why do you feel that this is necessary? What do you believe this person will do? Wouldn't it be easier to just give the document to the Court Security Officer and allow the Defense to coordinate with him whenever we want to have access? Mr. Prather could then "watch" us so that the Government has no concerns. How does this sound to you?

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
coombs@armycourtmartialdefense.com <mailto:coombs@armycourtmartialdefense.com>

www.armycourtmartialdefense.com <http://www.armycourtmartialdefense.com/>

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 22, 2012 6:55 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US)
Subject: RE: DOS Damage Assessment

David,

1. We will have the document ready at 0930 on 5 Jun 12, with a location TBD.

2. We need enough notice (4 days) so that we can schedule our government security expert to come to our office, sign for the copy of the document, and deliver the document to your security expert at the government facility which will be determined and reserved. The intent is for our security expert to escort the document to your team meeting, sign the document over to your experts, and then wait at the location until the defense counsel are finished reviewing the document, for however long the review takes. The government security expert will NOT be part of the defense counsel's session to ensure privacy and confidentiality. Once the review is complete, then your security expert will sign it back over to the government security expert, and the government security expert will return the document to the prosecution. Each security expert is responsible for maintaining 100% eyes-on positive control of the document and any notes produced from the document. We will endeavor to execute as soon as possible when counsel notifies us; however, we believe four days is reasonable to ensure the proper government facility, our security expert, and defense's security expert are all available. This should be a very simple process; we just need notice of when to make it happen. Additionally, we recognize that the various defense counsel will likely want to view the document on more than one occasion. We can accommodate any reasonable request. There is no need to have the Court security officer involved.

All defense counsel- please let us know when you want to view the document and include confirmation that at least one defense security expert will be present, and we will plan accordingly and have the document and location ready. Pursuant to the protective order, the location can be a TDS office, so long as its approved to have "secret" information within it, and there are no other personnel present other than the defense counsel and defense security expert(s).

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 22, 2012 7:10 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: DOS Damage Assessment

Ashden,

I do not believe the process that you recommend should be required. The defense will raise this as an issue in our upcoming motion concerning the substitutions for the other damage assessments.

Given the fact that we will all be at Fort Meade on the 5th, why don't we just allow Mr. Prather to give us access to the Court's copy? I have no objection to Mr. Prather sitting in on our review of the document. This would eliminate the need for both the Defense and Government security experts to be involved and present.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 23, 2012 6:51 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: DOS Damage Assessment

David,

The Department of State set the condition of requiring at least one defense security expert to be present when the document is made available for inspection by defense counsel. Please review the Court's order, dated 22 March 2012, for the duties of the court security officer and detailed security experts.

Please notify us when any defense counsel would like to inspect the document, and we will have it ready. The document has been available for inspection since Monday, 21 May 2012 and will continue to be available throughout the court-martial.

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 23, 2012 8:10 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: DOS Damage Assessment

Ashden,

The DOS does not set conditions for access. The military judge does once you request for certain conditions under M.R.E. 505(g)(1). Again, we will raise this issue as part of the substitutions motion that we file after you provide the required non-ex parte filing.

The Defense would like to have access at Fort Meade on 5 April. I am currently coordinating with our experts to ensure that one can be present.
If that is not possible, then we would request access after our Article 39(a) session ends on 6 April. Please arrange to have a copy of the DOS damage assessment at the Court.

Best,
David

David E. Coombs, Esq.
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Providence, RI 02906
Toll Free: 1-800-588-4156
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 23, 2012 8:12 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: DOS Damage Assessment

David,

We will have a copy ready to go at 0930 on 5 June 2012. If any defense counsel would like to inspect the document before then, please notify us. Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 23, 2012 8:30 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; CASSIUS.HALL@MI.ARMY.MIL; 'Ganiel, Charles J CIV (US)'; Smith, Lillian C CIV (US)
Subject: RE: DOS Damage Assessment

Ashden,

Thank you. We will meet you at the Fort Meade courtroom at 0930 on 5 June to view the DOS damage assessment. The Defense's security experts will be present for the meeting.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 23, 2012 8:37 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; CASSIUS.HALL@MI.ARMY.MIL; 'Ganiel, Charles J CIV (US)'; Smith, Lillian C CIV (US)
Subject: RE: DOS Damage Assessment

David,

Because the courtroom is used by multiple contractors, security, and others before the session and is not swept to authorize the use of classified information or discussion, we can have our security expert meet the defense counsel and your security experts at the TDS office or in the defense trailer, which were previously approved for classified information. Our expert will be ready that morning to meet you at either location.

v/r
Ashden

From: Robillard, Socorro A., CIV, NAVWARCOL NWC [socorro.robillard@usnwc.edu]
Sent: Wednesday, May 23, 2012 9:35 AM
To: David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Waybright, Daniel SGT MIL USA MDW
Subject: CD's for issue

Dave,

I'm back, and I have 4 CD's for you that arrived yesterday. They are controlled and ready for issue.

V/r Corrie

--

Ms. Socorro Robillard

(Information Security Specialist)

Classified Material Control Officer

NATO Sub-registry Control Officer

SIPR address: cmco@nwc.navy.smil.mil <mailto:cmco@nwc.navy.smil.mil>

Naval War College

DSN: 841 3381

Comm: (401) 841-3381

E-mail: socorro.robillard@usnwc.edu <mailto:socorro.robillard@usnwc.edu>

"THE HUMAN THREAT TO NATIONAL SECURITY:

Did Not Know the Rules - Did Not Understand the Rules - Did Not Follow the Rules"

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 23, 2012 1:29 PM
To: David Coombs
Subject: RE: Defense Response to Gov Proposed LIOs

David,

Did you intend to include "John L. Ford" on this email?

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 23, 2012 1:35 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Defense Response to Gov Proposed LIOs

Ashden,

No. I meant to include CW2 Ford. My apologies. I will contact him and request that he delete the email chain.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 23, 2012 1:35 PM
To: David Coombs
Subject: RE: Defense Response to Gov Proposed LIOs

Thank you!

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 5:10 PM
To: Tooman, Joshua J CPT USARMY (US); David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Autry, Carolyn D Ms CIV JFHQ-NCR/MDW SJA; edl@cyberagentsinc.com; ts@cyberagentsinc.com; Santiago, Melissa S CW2 USARMY (US); Hurley, Thomas F MAJ USARMY (US); Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: FW: Contract No. W91QF7-12-P-0031 (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED
Caveats: NONE

CPT Tooman,

The answers to the defense questions, provided by contracting command, regarding the Cyber Agents, Inc.'s contract (W91QF7-12-P-0031) are in the e-mail below.

Based on the multiple previous submissions, from this point forward, the below process will ensure prompt payment and proper accountability of government funds IAW contracting guidance and WAWF procedures.

1. Cyber Agents submits a printed/scanned invoiced by the contractors with an invoice number, date of the invoice, a detailed breakdown of the hours worked (billable hours by date), and a signature from the contractor certifying their work and invoice.

2. TDS (as the government officials) submits a signed memorandum or e-mail from a member of TDS validating and certifying the invoice and the serviced rendered. This will be used by the WAWF paying agent for government record keeping and approval process.

4. Cyber Agents submits a request for payment that matches the invoice (item 1) into WAWF. The submission of the invoice, as per the contract and explained in the e-mail below, must match the entry into WAWF and be quantified in the unit of hours at the contract rate.

5. Once the above four steps are completed, the WAWF paying agent will issue a payment order to DFAS and payment will promptly occur.

If you have any further question or concerns please feel free to contact me at your earliest convenience.

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator

JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
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From: Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]
Sent: Thursday, May 24, 2012 5:15 PM
To: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; David Coombs
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Autry, Carolyn D Ms CIV JFHQ-NCR/MDW SJA; edl@cyberagentsinc.com; ts@cyberagentsinc.com; Santiago, Melissa S CW2 USARMY (US); Hurley, Thomas F MAJ USARMY (US); Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Contract No. W91QF7-12-P-0031 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thanks, Chief. Enjoy the Holiday.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 5:43 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Discovery

David,

Today we sent through FEDEX (Tracking: 7936 0520 3640) the following discovery (BATES 00447849-00447944): confinement recordings, pictures we received from Quantico Brig, various CID documents, and various other documents that we have previously produced, but now are producing versions for authentication purposes.

We will deliver these documents on Tuesday to Fort Myer, since this weekend is a 4 day and the TDS office is closed.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 6:31 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Defense Discovery Materials
Attachments: Defense Discovery Response.pdf

David,

As you know, the filing for the government motion to compel discovery is due on 22 Jun 12. In your response to the government reciprocal discovery request, you state the following: "All documents and tangible objects which the Defense intends to introduce as evidence in the Defense case-in-chief at trial will be made available for inspection prior to trial at the Fort Meade Trial Defense Services Office. The Defense will coordinate a mutually convenient time for such inspection with the Government." The prosecution, therefore, would like to coordinate with the defense for the review to occur during the week that we are at Fort Meade for the motions hearing (4-8 Jun 12) or the week immediately following the motions hearing (11-15 Jun 12). Please note that the prosecution also requested to inspect any written material that will be presented by the defense at the presentencing proceeding. Additionally, will there be a copier available for us to use at the TDS office or do we need to plan on having a scanner brought with us?

Ultimately, we would like to complete our review no later than 15 Jun 12, so that we have at least 7 calendar days to prepare a motion to compel, if required. We intend to include this date on our proposed case calendar.

Please let us know who you would like us to coordinate with and/or what dates work for the defense.

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Thursday, May 24, 2012 10:25 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Defense Discovery Materials

Ashden,

The proposed timeline unfortunately will not work for the Defense. At this point, our reciprocal discovery is largely dependent upon:

1) Timely access to the Defense requested compelled discovery;

2) Timely access to the various damage assessments;

3) Receipt of requested Brady material;

4) Access/review of the hard drives promised by the Government; and

5) Interview of Mr. Patrick Kennedy

Without the above information, the Defense cannot make a final decision on what it intends to introduce as evidence in our case in chief. See R.C.M. 701(b)(3) and (b)(4). Likewise, access to the above requested information is required for the Defense to make a final decision regarding any written material that will be presented during our presentencing proceeding (if necessary). See R.C.M. 701(b)(1)(B)(ii).

Although the Defense is unable to provide access to the requested information at this time, it is committed to providing reciprocal discovery so that the Government may adequately prepare for trial. If the Government believes that the Defense is failing in this regard, please let me know and I will attempt to elaborate further on our efforts to go above and beyond the requirements under the rules.

Best regards,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

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Local: (508) 689-4616

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 29, 2012 9:56 AM
To: 'David Coombs'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Reciprocal Discovery

David,

We received the original message. Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 29, 2012 9:55 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Santiago, Melissa S CW2 USARMY (US); Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Reciprocal Discovery

Ashden,

I received a strange delivery failure notice on my email to you concerning reciprocal discovery. I hope this does not mean that we are once again having email issues. I am resending this content of the message below. Please let me know if you received the original message.

Previous Message

Ashden,

The proposed timeline unfortunately will not work for the Defense. At this point, our reciprocal discovery is largely dependent upon:

1) Timely access to the Defense requested compelled discovery;

2) Timely access to the various damage assessments;

3) Receipt of requested Brady material;

4) Access/review of the hard drives promised by the Government; and

5) Interview of Mr. Patrick Kennedy

Without the above information, the Defense cannot make a final decision on what it intends to introduce as evidence in our case in chief. See R.C.M. 701(b)(3) and (b)(4). Likewise, access to the above requested information is required for the Defense to make a final decision regarding any written material that will be presented during our presentencing proceeding (if necessary). See R.C.M. 701(b)(1)(B)(ii).

Although the Defense is unable to provide access to the requested information at this time, it is committed to providing reciprocal discovery so that the Government may adequately prepare for trial. If the Government believes that the Defense is failing in this regard,

please let me know and I will attempt to elaborate further on our efforts to go above and beyond the requirements under the rules.

Best regards,

David

David E. Coombs, Esq.
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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Tuesday, May 29, 2012 9:59 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Reciprocal Discovery

Ashden,

Thank you. Also, I just wanted to follow-up on the 4 computer hard drives.
In a previous email, you indicated that the Defense would likely have these by 18 May. That was almost two weeks ago. Do you have an update on when the Defense will get access to the hard drive?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 29, 2012 10:05 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Reciprocal Discovery

David,

We expect to have approval to turn the drives over by the end of this week. We have copies ready to deliver to Fort Myer for your experts.

v/r
Ashden

From: Tooman, Joshua J CPT USARMY (US) [joshua.j.tooman.mil@mail.mil]
Sent: Tuesday, May 29, 2012 5:45 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Automatic reply: Court order MRE 505(g)(2) non-ex parte filing and other administrative issues (UNCLASSIFIED)

I will be TDY at Fort Riley, KS 28 May - 31 May. I will return to the office Friday, 1 June. If you need immediate assistance please call 913-684-1866. Thank you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 7:50 AM
To: Hurley, Thomas F MAJ USARMY (US); Williams, Patricia CIV JFHQ-NCR/MDW SJA
Cc: Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA; Autry, Carolyn D Ms CIV JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: SCI Prescreen Form
Attachments: SCI screening.doc

Importance: High

MAJ Hurley and Ms. Williams,

In order for you to be read-on for next week's motions hearing, please complete the attached SCI pre-screening form and send back to me ASAP. Once I receive it, then I will forward it to HQDA SSO and you will be able to schedule your read-on. Please do not delay, based on the Court's suspenses.

v/r
MAJ Fein

From: Hurley, Thomas F MAJ USARMY (US) [thomas.f.hurley4.mil@mail.mil]
Sent: Wednesday, May 30, 2012 9:43 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: SCI Screening Form (UNCLASSIFIED)
Attachments: SCI Screening Form - US v. Manning.pdf

Classification: UNCLASSIFIED
Caveats: NONE

MAJ Fein

Attached please find my SCI Screening form for US v. Manning.

Thomas F. Hurley
MAJ, JA
US Army Defense Counsel Assistance Program thomas.f.hurley4.mil@mail.mil (work email)
thomashurley1@me.com (iPhone email)
703.693.0327 (office)
223.0327 (DSN office)
703.209.8061 (cell)

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 9:46 AM
To: Figueroa, Hector J Jr CIV (US)
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US)
Subject: FW: SCI Screening Form (UNCLASSIFIED)
Attachments: SCI Screening Form - US v. Manning.pdf

Mr. Figueroa- Good morning. Attached is MAJ Hurley's indoc paperwork.

MAJ Hurley- please coordinate with Mr. Figueroa (HQDA SSO, Pentagon) to get read-on before next week's motions hearing.

Thank you both!

v/r
MAJ Fein

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 9:48 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: Motion for Protective Order on Defense Response Motion

Ashden,

The Government did not file a motion for a protective order concerning the Defense's Response LIO Motion by the filing date for replies as required by the Court's order. Does this mean that you have no objection or requested redactions?

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
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From: Figueroa, Hector J Jr CIV (US) [hector.j.figueroa2.civ@mail.mil]
Sent: Wednesday, May 30, 2012 9:54 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US)
Subject: RE: SCI Screening Form (UNCLASSIFIED)

MAJ Hurley,

All yes answers require a FULL written explanation (who/what/when/where, etc...). Please answer these and resubmit the form to me.

Thank you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 9:58 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

David,

The defense never provided us notice that it intends to publish the Defense's response to the Government's motion for proposed LIOs.

V/r
Ashden

-----Original Message-----
From: David Coombs [mailto:coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 9:48 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: Motion for Protective Order on Defense Response Motion

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Best,

David

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Tracking:

Recipient	Delivery	Read
David Coombs		
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	Read: 5/30/2012 9:59 AM
Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	Read: 5/30/2012 9:59 AM
von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	Read: 5/30/2012 10:01 AM
Hurley, Thomas F MAJ USARMY (US)		
'Tooman, Joshua J CPT USARMY (US)'		
Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	Read: 5/30/2012 10:05 AM
Feito, Beatriz SGT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	
Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	
Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	Read: 5/30/2012 9:58 AM
Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA	Delivered: 5/30/2012 9:58 AM	Read: 5/30/2012 9:58 AM
john.b.haberland.mil@mail.mil		

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 10:00 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

Ashden,

Read the Court's order. That is not required. You also have a 1 June deadline for the Defense replies.

Best,
David

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Law Office of David E. Coombs
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Providence, RI 02906
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 10:02 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

David,

Please see Appellate Exhibit LXVII, paragraph 1 under "ORDER:" for the notice provision.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 10:06 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

Ashden,

We will publish every substantive motion that that is on the case calendar, as we have in the past. I think it goes without saying but the Defense intends to publish its reply motions filed yesterday.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 10:08 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

David,

We will start processing this request. In the past, you have provided us notice through your email filings with the Court and we rely on those, pursuant to the Court's order to know which filings will go. Please continue providing us the notice IAW the Court's order. What other filings would you like us to process?

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 10:11 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

Ashden,

You are only behind on the Defense Response to the LIO motion. As stated, all replies will be filed publically. Under the Court's order, you have until 1 June to file a request for a protective order.

Best,
David

David E. Coombs, Esq.
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Providence, RI 02906
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 10:31 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

David,

Thank you. As stated before, we are not behind any motion reviews. The defense is required to "notify the Government of each Defense Court filing or proposed filing intended for public release." Please continue to provide us notice of each filing or we will not process it. Without the affirmative notification, we cannot have certainty that the defense intends to make each one public, nor whether the defense intends to redact any motions. Please address any concerns with the Court's order with the military judge.

We will start processing the Response to the Government's LIO Motion immediately and will get a response with the replies which were filed yesterday.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 10:41 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

Ashden,

The Government has until 1 June to file any requested protective order on the replies. If you need until 1 June for the Defense Response to the Government's LIO motion, that is not a problem.

Best,
David

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From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 10:53 AM
To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Disclosure of Damage Assessment (UNCLASSIFIED)
Attachments: 120530-Disclosure of Damage Assessment.pdf

Classification: UNCLASSIFIED
Caveats: NONE

Gentlemen,

Please see the attachment. Thank you.

v/r
Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 10:53 AM
To: 'David Coombs'; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Disclosure of Damage Assessment (UNCLASSIFIED)
Attachments: 120530-Disclosure of Damage Assessment.pdf

Classification: UNCLASSIFIED
Caveats: NONE

Gentlemen,

Please see the attachment. Thank you.

v/r
Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 11:01 AM
To: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Disclosure of Damage Assessment (UNCLASSIFIED)

CPT Whyte,

The Government must request for a protective order from the military judge under MRE 505(g)(1) in order to place the requested access requirement upon the damage assessment. Please verify if the OCA is claiming a privilege or if the Government intends to seek a protective order.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 11:05 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Motion for Protective Order on Defense Response Motion

David,

We will have an answer by 1 Jun. Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 11:12 AM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Subject: RE: Disclosure of Damage Assessment (UNCLASSIFIED)

David,

The Court's protective order, paragraph 3(1)(7) is clear on this- "If trial counsel advises the defense counsel, in writing, that certain classified information or documents may not be disclosed to the accused, then defense counsel shall not disclose such information or documents to the accused without prior concurrence of the trial counsel, absent such concurrence, approval of the Court."

We have the information ready to give to the defense, voluntarily under MRE 505(g)(1). You may address this issue next week, if you wish; but we have it ready to send immediately in classified discovery once we receive defense counsel's written acknowledgment.

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 2:58 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US)
Subject: Security Expert
Attachments: 100917-Appointment of Defense Security Expert.pdf; 101012-Appointment of 2d Defense Security Expert Hall.pdf; Security Expert Memo.docx

Ashden,

As discussed in today's 802 hearing, our experts are frequently tasked to perform other duties by their respective commands. These duties result in them not being available to perform their duties as defense experts. I have just finished speaking with them about this issue.

Mr. Hall and Mr. Ganiel have asked me to obtain a court order or memorandum from COL Lind that they can use to show to their individual directors to avoid future conflicts. I told them that I didn't believe COL Lind needed to weigh in on the issue, and that it was something that the convening authority could resolve with memorandum similar to his appointment memorandum. I have typed up a memorandum that I believe should avoid future availability issues.

If our experts continue to have difficulty with their respective chain of commands after the memorandum, then the Defense would request direct contact with the chain of command on this issue with defense counsel being present. Let me know if you have any questions.

Best,

David

David E. Coombs, Esq.
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Providence, RI 02906

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 2:58 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US)
Subject: Security Expert
Attachments: 100917-Appointment of Defense Security Expert.pdf; 101012-Appointment of 2d Defense Security Expert Hall.pdf; Security Expert Memo.docx

Ashden,

As discussed in today's 802 hearing, our experts are frequently tasked to perform other duties by their respective commands. These duties result in them not being available to perform their duties as defense experts. I have just finished speaking with them about this issue.

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Best,

David

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www.armycourtmartialdefense.com <http://www.armycourtmartialdefense.com/>

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 3:07 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US)
Subject: Government's Aggravation

Ashden,

Can you tell me the date the Government intends to provide the format for your aggravation/sentencing information to the Court? Is this the same date that you also intend to provide the ordered information to the Court?

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 3:40 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Security Expert

David,

Thank you. We understand the issue and are working on it immediately. MTF.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 3:41 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Security Expert

Ashden,

Thank you.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 3:44 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Government's Aggravation

David,

We hope to provide the Court with a proposal by COB Friday. We intend to include the defense on our proposal email.

v/r
Ashden

From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Wednesday, May 30, 2012 3:49 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Government's Aggravation

Ashden,

Thank you. Sorry to keep asking for clarification. If I understand correctly, 1) the goal is to have the format for the document on Friday and
2) the ordered information on another date. Do you intend to have the ordered information provided to the Court before 6 June?

Best,
David

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From: David Coombs [coombs@armycourtmartialdefense.com]
Sent: Thursday, May 31, 2012 8:12 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: Supplement to Compel Discovery 2

Ashden,

The Defense did not note any needed redactions in our supplement to compel discovery #2. We intend to publicly file this motion. According to the Court's Order, you have until 2 June to request any protective order.

Best,

David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 31, 2012 8:28 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR\MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: Supplement to Compel Discovery 2

David,

The Court's order states 3 days and we interpret that as duty days. We will start processing this request with the different departments and will have an answer by COB on Monday, 4 June 2012.

v/r
Ashden

INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized. Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.

2. Judge advocate's review pursuant to Article 64(a), if any.

3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.

4. Briefs of counsel submitted after trial, if any (Article 38(c)).

5. DD Form 494, "Court-Martial Data Sheet."

6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.

7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

a. Errata sheet, if any.

b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.

c. Record of proceedings in court, including Article 39(a) sessions, if any.

d. Authentication sheet, followed by certificate of correction, if any.

e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.

f. Exhibits admitted in evidence.

g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.

h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.